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LAWS

OF THE

STATE OF ILLINOIS,

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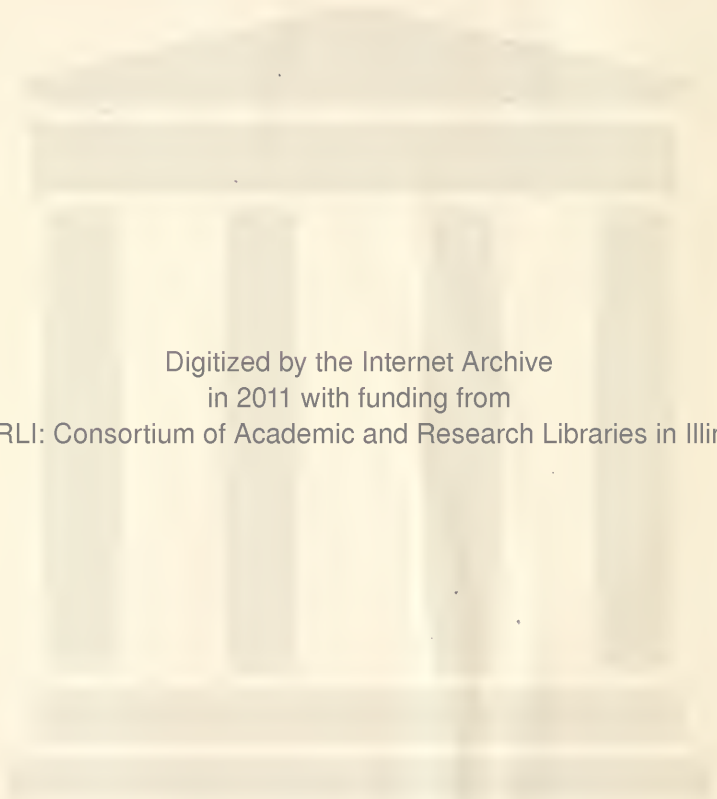
THIRTY-THIRD GENERAL ASSEMBLY,

AT THE SESSION WHICH

COMMENCED JANUARY 3, 1883, AND ADJOURNED JUNE 18, 1883

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of the State of Illinois.*

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LAWS OF ILLINOIS.

AGRICULTURE.

STATE DEPARTMENT.

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|---|--|
| <p>§ 1. Department of agriculture—organization and management.</p> <p>§ 2. Secretary of State board—appointment—term—salary.</p> <p>§ 3. Treasurer of board—bond—term of office.</p> <p>§ 4. Office of board at Springfield at the State house.</p> <p>§ 5. State board a corporate body—powers.</p> <p>§ 6. State board have sole control and management of dep't of agriculture</p> <p>§ 7. Appropriations—county boards.</p> | <p>§ 8. Annual reports by State board.</p> <p>§ 9. Contents of report.</p> <p>§ 10. Appointment of special policemen during fairs.</p> <p>§ 11. Trespass upon fair grounds—penalties.</p> <p>§ 12. Sale of spirituous liquors prohibit'd.</p> <p>§ 13. Penalties for violating provisions of sec. 12 of this act.</p> <p>§ 14. "Fair"—term defined.</p> <p>§ 15. Repeals all acts in conflict with this act.</p> |
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AN ACT to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the department of agriculture, for the promotion of agriculture and horticulture, manufactures and the domestic arts, shall be continued, and shall be managed by a board to be styled the "State Board of Agriculture," to consist of a president, and one vice-president from each congressional district in the State, and of the last ex-president of the State Board of Agriculture, said president and vice-presidents to be elected on the fair grounds on Wednesday of the annual State fair in 1884, and every two years thereafter on Wednesday of the week of the State fair, by delegates or alternates or their written proxies, chosen by the several agricultural societies in counties where such societies exist, in the following manner, to-wit: In counties having one agricultural society, such society may appoint three delegates; in counties having two agricultural societies, each society may appoint one delegate, who shall be entitled to one and one-half votes; in counties having three agricultural societies, each society may appoint one delegate, and if either society shall neglect or refuse to appoint such delegate, the delegate or delegates appointed shall be entitled to cast the full vote of the county; and in counties where no agricultural society exists, the delegates may be appointed by

the board of supervisors or county board, as the case may be; each county to be entitled to three votes, and no more, and each union, or district, agricultural society shall be accredited to that county in which its fair grounds, or the greater part thereof, shall be located. The members of the State Board of Agriculture shall enter upon the duties of their office on the second Tuesday of January succeeding their election, and hold their office for two years, and until their successors are elected and enter upon their duties. The State Board of Agriculture may fill any vacancy, arising from any cause, by appointment from the district in which the vacancy occurs.

§ 2. The State board shall appoint some person, not a member of the board, secretary, and fix his compensation, who shall hold his office during the term for which the members of the board appointing him are elected, unless for good cause he shall sooner be removed by the board, and who shall perform such duties as usually pertain to the office of secretary, or as shall be required of him by the board.

§ 3. They shall also appoint some person, not a member of the board, as treasurer, and fix his compensation and prescribe his duties, who shall give bond in such sum and with such security as the board shall direct, conditioned for the faithful discharge of the duties of his office. He shall hold his office during the term for which the members of the board appointing him are elected, unless for good cause he shall be sooner removed by the board. He shall keep an accurate itemized account of all money received by him and paid out, and make an annual report thereof to the State board and make full settlement with the board.

§ 4. The State Board of Agriculture shall keep an office for the transaction of business, at Springfield, in the rooms assigned to the department of agriculture in the State house, to be under the control of said board.

§ 5. The State Board of Agriculture, in that name, may contract and be contracted with, may purchase, hold or sell property, may sue and be sued in all courts or places; may hold State fairs and fat stock shows at such times and places as the board may determine, but this State shall never be liable for any debt or contract of said board.

§ 6. The State Board of Agriculture shall have the sole control of the affairs of the department of agriculture, of all State fairs and fat stock shows, and may make such by-laws, rules and regulations in relation to the department of agriculture and the management of the business of such department and State fairs and fat stock shows, and offering of premiums, as a majority of said board shall, from time to time, determine, not inconsistent with the constitution and laws of this State or of the United States.

§ 7. Whatever money shall be appropriated to the department of agriculture, shall be paid to the State Board of Agriculture, and may be expended by them as in the opinion of said board will best advance the interests of agriculture and horticulture, manufactures and domestic arts in this State: *Provided*, when any appropriation

is made for the benefit of county or other agricultural societies, the same shall be equally divided between such agricultural societies as shall have given satisfactory evidence to said State board of having held an annual fair and paid as premiums not less than three hundred dollars (\$300), and made their annual report on or before the 15th day of November, to the State Board of Agriculture.

§ 8. The State Board of Agriculture shall, after their annual meeting in January, in each year, make and deliver to the Governor a report of their acts and doings, as required by law, and no other annual reports shall be made by said board.

§ 9. Said State Board of Agriculture may append to, and publish with their said report, the annual report of the State Entomologist and such other reports, or essays connected with agriculture, horticulture, manufacture or the domestic arts, as, in the judgment of said board, the interests of the State require. Said annual report and appended essays not to exceed seven hundred printed pages.

§ 10. It shall be lawful for the State Board of Agriculture or other agricultural society, at or before the time for holding its annual fair, to select and appoint as many persons to act in the capacity of special police as are by said society deemed requisite to insure peace and good order on or about the grounds, or place of holding such fair, for and during the holding of the same: *Provided*, that such person, before entering upon the duties of special police, shall receive his authority from, and take the oath of office by any judge or justice of the peace, or other officer authorized to administer oaths, residing or holding his office in the town or municipal corporation most contiguous to the fair ground, or place of holding such fair, and shall receive from such judge or justice of the peace a certificate, under seal, of his appointment and authority to act as such special police, which shall be indicated by some appropriate badge of office, and when so authorized, he shall be clothed with full police powers.

§ 11. Whoever trespasses upon any fair grounds, or commits any depredations upon the property of any agricultural society, by cutting or destroying any timber or trees, breaking or carrying away any box, trough, stall, bench, fence, lock, door, gate, lumber or other appurtenance to any fair ground, whether within or without the enclosure thereof, shall be fined not less than five nor exceeding two hundred dollars, and shall be liable, civilly, for all damages sustained by such wrongful act.

§ 12. Whoever shall keep any shop, booth, tent, wagon, vessel, boat or other place for the sale of spirituous liquors, or expose for sale, or sell, give away or otherwise dispose of any spirituous liquors, or engages in gaming at or within two miles of the place where any agricultural, horticultural or mechanical fair is being held, shall, for each offense, be fined not less than five nor more than one hundred dollars: *Provided*, this section shall not affect tavern-keepers, distillers or others exercising their calling at their usual place of business.

§ 13. Any person violating the provisions of the preceding section may be arrested upon view or upon warrant, by any sheriff, coroner, constable or other officer authorized to make arrest; and such officer may also seize the booth, tent, wagon, vessel or boat and articles to be sold, and convey the same before a justice of the peace, with the offender, and upon a judgment being rendered against the offender, the same may be sold upon the execution issued upon such judgment; and if sufficient property is not found to satisfy such fine, the offender may be committed to the county jail until the fine and costs are paid, or the prisoner discharged according to law.

§ 14. Wherever the word "fair" occurs in this act, it shall be held to mean a *bona fide* exhibition of the four principal classes of live stock, together with general agricultural and horticultural products and mechanical arts.

§ 15. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

APPROVED June 23, 1883.

ANIMALS.

PLEURO-PNEUMONIA.

§ 1. Amend the title of the act of 1881.

§ 2. Amend the act of 1881 by adding sections 10, 11 and 12, making it apply to contagious or infectious glan-

ders among horses. Appropriates \$10,000 for the purposes of this act.

§ 3. Emergency.

AN ACT to amend the title of an act entitled "*An act to suppress and prevent the spread of pleuro-pneumonia among cattle*," approved May 31, 1881, and to add to said act three additional sections.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the title of an act entitled "*An act to suppress and prevent the spread of pleuro-pneumonia among cattle*," approved May 31, 1881, be and the same is hereby amended so as to read as follows: An act to suppress and prevent the spread of contagious pleuro-pneumonia among cattle, and contagious and infectious glanders among horses, mules and asses.

§ 2. *And be it further enacted,* That there is hereby added to said act three additional sections, to be known as sections 10, 11 and 12, which shall read as follows:

Section 10. *And be it further enacted*, That all rules, regulations, requirements, fees, salaries and penalties that attach to, or are embraced in the act aforesaid, shall apply and be enforced in like manner in the suppression of and prevention of the spread of the disease known as contagious or infectious glanders among horses, mules and asses; and that all officers, agents or employees named in said act, shall have all the authority to and shall be required to enforce all laws laid down in said act for the suppression and prevention of pleuro-pneumonia among cattle, for the suppression of and the prevention of the spread of contagious and infectious glanders among horses, mules and asses, and for said purpose may use and exercise all the powers mentioned in said act.

Section 11. *And be it further enacted*, That the sum of ten thousand dollars (\$10,000) is hereby appropriated for said purposes, or so much as is necessary, \$3,000 of which shall be used as a contingent fund, for which said veterinary surgeon shall give bond with approved security, and a sworn statement to the Governor of the manner and necessity for such expenditure, out of any moneys in the State treasury not otherwise appropriated.

[§ 3.] Section 12. Whereas, the disease, known as contagious and infectious glanders, is now prevailing in many parts of the State, entailing great loss in property of the State and endangering human life, therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED June 13, 1883.

APPROPRIATIONS.

AGRICULTURE—STATE AND COUNTY BOARDS.

§ 1. Appropriations for state and county boards—premiums, salaries, museum, porter, crop reports.

§ 2. How drawn.
§ 3. Payments to county boards.

AN ACT making an appropriation for the State Board of Agriculture, and the county and other agricultural societies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated to the State Board of Agriculture the following sums, to-wit: For the payment of premiums at the annual State Fair and Fat Stock Show, the sum of five thousand dollars per annum, for the years 1883 and 1884; and for the use of each county or other agricultural society, the sum of one hundred dollars per annum, to be paid to the treasurer of the society, for the years 1883 and 1884.

For the salary of the secretary, the sum of two thousand four hundred dollars per annum, for the years 1883 and 1884.

For clerk hire, the sum of fifteen hundred dollars per annum, for the years 1883 and 1884.

For curator, the sum of six hundred dollars per annum, for the years 1883 and 1884.

For porter, the sum of six hundred dollars per annum, for the years 1883 and 1884.

For the museum, the sum of three hundred dollars per annum, for the years 1883 and 1884.

For the expense of collecting and publishing crop statistics, the sum of twelve hundred dollars per annum, for the years 1883 and 1884.

For the purchase of books, maps and charts, and for binding periodicals and papers, the sum of four hundred dollars per annum, for the years 1883 and 1884.

For repairs, postage, expressage and other incidental office expenses, the sum of twelve hundred dollars per annum, for the years 1883 and 1884.

§ 2. That on the order of the president, countersigned by the secretary of the State Board of Agriculture, and approved by the Governor, the State Auditor shall draw his warrant upon the Treasurer, in favor of the treasurer of the State Board of Agriculture, for the sums herein appropriated: *Provided*, that each warrant shall show the agricultural society for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural society unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture, showing that such agricultural society held an agricultural fair during the preceding year, in compliance with the rules and regulations, as provided by law: *Provided, further*, that no part of the moneys herein provided for shall be drawn from the public treasury prior to the first day of July, A. D. 1883: *And, provided*, that no warrant shall be drawn in favor of any agricultural society until the president and treasurer of such society have filed an affidavit with the State Board of Agriculture that no wheel of fortune or any other gambling device were licensed or allowed upon their fair grounds.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture to pay over to the proper officer of each agricultural society the sum received for its use and benefit, as aforesaid, and make a biennial report to the Governor of all such appropriations received and disbursed by him.

APPROVED June 25, 1883.

ALTON CITY COURT.

§ 1. Appropriates \$133.70, balance of salary, 1869, of A. H. Gambrill, Prosecuting Attorney.

AN ACT to appropriate the balance of salary due the Prosecuting Attorney of the Alton City Court for the six months and twenty days ending September 20, 1869.

WHEREAS, the prosecuting attorney of the Alton city court was by law entitled to an annual salary of five hundred dollars (\$500), for the term of office of said prosecuting attorney, and the General Assembly at its session A. D. 1869, appropriated only the sum of two hundred and fifty dollars (\$250) per annum, for the payment of said salary; and

WHEREAS, A. H. Gambrill was the prosecuting attorney of said Alton city court for the six months and twenty days ending September twentieth, A. D. 1869, and received in part payment therefor only the sum of one hundred and thirty-eight dollars and seventy-three cents (\$138.73), being at the rate of two hundred and fifty (\$250) dollars per annum, leaving due and unpaid to the said A. H. Gambrill the sum of one hundred and thirty-eight dollars and seventy cents (\$138.70); therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one hundred and thirty-eight dollars and seventy cents (\$138.70) be and the same is hereby allowed and appropriated to pay the balance of salary due said A. H. Gambrill, as prosecuting attorney of the Alton city court, for the quarters ending May 31st and August 31st, 1869, and for the twenty days ending September 20th, 1869, and that the Auditor of Public Accounts draw his warrant on the State Treasurer in favor of said A. H. Gambrill for said sum of one hundred and thirty-eight dollars and seventy cents (\$138.70), to be paid out of any moneys in the treasury not otherwise appropriated.

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it or to file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand, this 29th day of June, A. D. 1883.

HENRY D. DEMENT, *Secretary of State.*

ALTON CITY COURT.

§ 1. Appropriates \$196.19, balance salary 1872, of Alex. W. Hope, Prosecuting Attorney.

AN ACT to appropriate the balance of salary due the Prosecuting Attorney of the Alton City Court for nine months and twelve days, ending July 1, 1872.

WHEREAS, the prosecuting attorney of the Alton [city] court was, by law, entitled to an annual salary of five hundred dollars (\$500), for the term of office of said prosecuting attorney, and the General Assembly at its sessions in 1869 and 1872, appropriated only the sum of two hundred and fifty dollars (\$250) per annum for the payment of said salary; and

WHEREAS, Alex. W. Hope was the prosecuting attorney of said Alton city court for nine months and twelve days ending July 1, 1872, and received in payment therefor only the sum of one hundred and ninety-six dollars and nineteen cents (\$196.19), being at the rate of two hundred and fifty dollars (\$250) per annum, leaving due and unpaid to the said Alex. W. Hope the sum of one hundred and ninety-six dollars and nineteen cents (\$196.19); therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one hundred and ninety-six dollars and nineteen cents (\$196.19) be and the same is hereby appropriated and allowed to pay the balance due as salary to said Alex. W. Hope as prosecuting attorney of the Alton city court, for the quarters ending November 30, 1871, February 29, 1872, May 31, 1872, and for thirty days ending June 30, 1872, and that the Auditor of Public Accounts draw his warrant on the State Treasurer in favor of said Alex. W. Hope, for the said sum of one hundred and ninety-six dollars and nineteen cents (\$196.19), to be paid out of any moneys in the treasury not otherwise appropriated.

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it or file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand, this 29th day of June, A. D. 1883.

HENRY D. DEMENT, *Secretary of State.*

BATTLE FLAGS.

- | | |
|--|-----------------|
| § 1. Appropriates \$10,000 for cases, for preservation of flags. | § 2. How drawn. |
|--|-----------------|

AN ACT to appropriate a sum sufficient to purchase cases in which to place for preservation the flags, and to properly care for said flags, in the Adjutant-General's office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated for the purpose of restoring, repairing, and of procuring cases in which to place for preservation the flags now in the office of the Adjutant-General of this State.

§ 2. The money appropriated by the foregoing section shall be expended by the Governor and Adjutant-General, in the most judicious manner practicable, and the Auditor of Public Accounts is hereby authorized to draw his warrants therefor, upon the certificate of the Adjutant-General, approved by the Governor.

APPROVED June 25, 1883.

BRAIDWOOD AND COULTERVILLE MINE-SUFFERERS.

- | | |
|---|---|
| § 1. Appropriates \$10,000 for destitute families at Braidwood, and \$2,000 for families at Coulterville. | § 2. Names committees to distribute money, and requires report of acts to Governor. |
| | § 3. Emergency. |

AN ACT for the relief of the surviving families of coal miners destroyed by the disaster to Diamond Mine No. 2, near Braidwood, February 16, 1883, and for the relief of the surviving families of those killed at Coulterville by an explosion in a coal mine, January 8, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the relief of the surviving families of those persons killed by the flooding of Diamond Mine No. 2, located near Braidwood, Illinois, on February 16, 1883; and the further sum of two thousand dollars (\$2,000) be and is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the relief of the surviving families of miners killed by an explosion in a coal mine at Coulterville, Illinois, January 8, 1883.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant for the sum of ten thousand dollars in behalf of Robert Houston, E. W. Felton and William H. Odell, who are hereby constituted a committee to distribute said money to the surviving

families of those who lost their lives at Diamond Mine No. 2, near Braidwood. And said Auditor of Public Accounts is also further authorized to draw his warrant for the sum of two thousand dollars (\$2,000) in behalf of Rev. J. H. Gibson, S. M. East and Nathaniel Childs, who are hereby constituted a committee to distribute said money to the surviving families of those who lost their lives by an explosion in a coal mine at Coulterville, Illinois. Said several committees shall distribute said several sums for the benefit of said several families. And they shall take into account the condition and necessities of the several families; and said several committees shall report in detail a full account of the distribution of said several sums of money to the Governor of the State of Illinois. Said several committees, and each member thereof, shall serve, in the distribution of said several funds, without compensation or reward.

§ 3. Whereas, the surviving families of those killed in said disasters are suffering and in want of immediate pecuniary relief, therefore an emergency exists, and this act shall be in force and effect from and after its passage.

APPROVED March 20, 1883.

ILLINOIS AND MICHIGAN CANAL.

§ 1. Appropriates \$20,000 per annum for repairs and expenses.
§ 2. How drawn.

§ 3. Quarterly reports to Auditor, of receipts and disbursements.

AN ACT *making appropriation for the necessary repairs and running expenses of the Illinois and Michigan canal until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of making necessary repairs and providing means to put and keep the Illinois and Michigan canal in navigable condition until after the adjournment of the next General Assembly, there is hereby appropriated from the State treasury, for the first year, the sum of twenty thousand dollars (\$20,000), and for the second year, the sum of twenty thousand dollars (\$20,000), or so much of each as may be absolutely necessary for that purpose: *Provided*, that no portion of the money hereby appropriated shall be used for the purpose above specified until all the surplus earnings of the canal have been fully exhausted in making needed repairs and defraying necessary expenses of operating the said canal.

§ 2. The appropriations made by this act shall only be paid upon detailed statements made by the canal commissioners, filed with the Auditor, bearing the order of the canal commissioners and the approval of the Governor.

§ 3. Said board of canal commissioners shall keep an accurate and detailed account of all moneys received by them from every source, together with their disbursements and expenditures of every kind and nature, and at the end of each quarter, transmit to the Auditor of Public Accounts a full and complete statement, showing in detail the amount of money received during said preceding quarter, from every source, and how and to whom the same has been disbursed.

APPROVED June 25, 1883.

JACOB O. CHANCE.

§ 1. Appropriates \$75 salary as librarian of Supreme Court, Southern Grand Division.	§ 2. How drawn. § 3. Emergency.
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AN ACT to allow Jacob O. Chance the sum of seventy-five dollars, due him as librarian of the Southern Grand Division of the Supreme Court of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby allowed to Jacob O. Chance, librarian for the Southern Grand Division of the Supreme Court of said State, the sum of seventy-five dollars. The said sum being due to the said Chance because of his services as such librarian from the 31st day of March, A. D. 1881, to the 30th day of June, A. D. 1881.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant, payable out of any moneys in the State treasury, not otherwise appropriated, in favor of the said Jacob O. Chance, for the amount herein allowed, whenever he, the said Chance, shall present his said claim, and the same is certified to be correct by any two of the judges of the Supreme Court of the State of Illinois.

§ 3. Whereas, the above sum of money, herein appropriated, has long since been due and payable, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it or to file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand, this 29th day of June, A. D. 1883.

HENRY D. DEMENT, *Secretary of State.*

CHICAGO DEAF AND DUMB SCHOOL.

§ 1. Appropriates \$5,000—donation for support.

§ 2. How drawn.

AN ACT to appropriate money for the support of a School for Deaf and Dumb Children in the city of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of five thousand dollars (\$5,000) as a donation for the benefit of, and to be used in the support and maintenance of the school for the education of deaf and dumb children, located in the city of Chicago, and under the management and control of the board of education of the city of Chicago: said money to be used in the education of deaf and dumb children in said school, and said school shall, so far as its accommodations will permit, receive deaf and dumb children of school age from any portion of the State.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sum of money hereby appropriated, in favor of the treasurer of the city of Chicago, upon the order of the board of education of the city of Chicago, signed by the president and attested by the secretary of said board, and filed in the office of the Auditor, and said money shall only be drawn from the treasury of said city upon the orders of the said board of education for the expenses incurred in the education of deaf and dumb children in said school.

APPROVED June 25, 1883.

DAIRYMAN'S ASSOCIATION.

§ 1. Appropriates \$500 per annum to aid in publishing reports.

§ 2. How drawn.

AN ACT to aid the Illinois Dairyman's Association in compiling, publishing and distributing their reports.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five hundred dollars (\$500) per annum be, and the same is hereby appropriated to aid the Illinois Dairyman's Association in compiling, publishing and distributing their reports.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on the State Treasurer for the sum in this act specified, to the order of the president of said association; and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED April 24, 1883.

FRANKLIN COUNTY.

§ 1. Appropriates \$1,780.56 for expenses
in suppressing ku-klux.

§ 2. How drawn.

AN ACT to reimburse Franklin county for amounts expended by said county in suppressing an insurrection against the laws of the State of Illinois, by bodies of armed men known as the "Ku-Klux-Klan."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of seventeen hundred and eighty dollars and fifty-six cents be and the same is hereby appropriated to reimburse the county of Franklin for that amount of money advanced and paid by said county as expenses in enlisting militia, transporting arms and furnishing horses, together with supplies and subsistence for the same, also for furnishing medical assistance for wounded prisoners and guards, and subsistence for the same, and also attorneys' fees, together with court expenses in prosecuting said offenders, which said expenses were incurred in suppressing an insurrection against the laws of the State of Illinois by an armed organization known as the "Ku-Klux-Klan."

§ 2. That the Auditor of Public Accounts is hereby authorized and required to draw his warrant payable to the treasurer of Franklin county, for the aforesaid sum mentioned in section one (1) of this act, amounting to seventeen hundred and eighty dollars and fifty-six cents (\$1,780.56.)

APPROVED June 25, 1883.

HORTICULTURAL SOCIETY.

§ 1. Appropriates \$2,000 per annum.

AN ACT making appropriation in aid of the Illinois Horticultural Society.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be appropriated for the use of the Illinois State Horticultural Society the sum of two thousand dollars (\$2,000) per annum for the years 1883 and 1884, to be expended by said society for the purpose and in the manner specified in "An act to reorganize the Illinois Horticultural Society," approved March 24, 1874.

APPROVED June 25, 1883.

INDUSTRIAL UNIVERSITY.

§ 1. Appropriates (1) \$2,500 per annum for payment of taxes, (2) \$3,000 per annum for repairs and improvements, (3) \$1,500 per annum for laboratories, (4) \$1,500 per annum for instruction of students in mechanical shops, (5) \$1,500 per annum for library and museum, (6) \$1,000 per annum for cabinets of specimens, (7) \$14,000 per annum for current expenses, (8) \$2,500 for machine shop, (9) \$2,000 for purchase of machines and tools.

AN ACT making appropriations for the Illinois Industrial University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated to the Industrial University of Urbana, for the payment of taxes accruing in the years 1882 and 1883, on lands owned by the State and held for the use of said institution, in the county of Gage, in the State of Nebraska, and in the counties of Pope, Kandiyohi and Renville, in the State of Minnesota, the sum of two thousand five hundred dollars (\$2,500), per annum.

For current repairs and improvements on buildings and grounds for the said university, during the years 1883 and 1884, the sum of three thousand dollars (\$3,000), per annum.

For current expenses of the chemical, physical and botanical laboratories of the said university, and for the purchase of new and improved apparatus for the same, for the years 1883 and 1884, the sum of one thousand five hundred dollars (\$1,500), per annum.

For current expenses of educational work and the practical instruction of students in the mechanical shops of the said university, for the years 1883 and 1884, the sum of one thousand five hundred dollars (\$1,500), per annum.

For the university library and museums, for the years 1883 and 1884, to-wit: for the purchase of books and publications and for binding the same, one thousand five hundred dollars (\$1,500), per annum; for collecting, preparing and mounting specimens for the cabinets of geology, mineralogy and natural history, one thousand dollars (\$1,000), per annum.

For current expenses of instruction in the several departments of the university, for the years 1883 and 1884, fourteen thousand dollars (\$14,000), per annum.

For erecting an addition to the machine shop, to provide for the instruction of mechanical students in blacksmithing and foundry work, and for the necessary fittings and tools for the same, as per plans and estimates, two thousand five hundred dollars (\$2,500).

For the purchase of additional machines and tools for the machine and carpenters' shops, two thousand dollars (\$2,000).

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, upon the order of the president of the board of trustees of the said university, attested by its secretary, and with the corporate seal of the university: *Provided*, that no part of said sums shall be due and payable to said institution until satisfactory vouchers in detail, approved by the Governor, shall be filed with the

Auditor for all previous expenditures incurred by the institution on account of appropriations heretofore made: *And, provided, further,* that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditure of the sums appropriated in this act.

APPROVED June 18, 1883.

JACOB AND NICHOLAS LUCINGER.

§ 1. Appropriates \$290 for damages to
lands.

§ 2. How drawn.

AN ACT *for the relief of Jacob and Nicholas Lucinger, of Bureau county, Illinois, and making an appropriation in their favor.*

WHEREAS, the General Assembly, by an act entitled "An act to provide for the payment of damages to lands and other property, sustained by the owners thereof, by the construction of the dam on the Little Wabash river at New Haven, in Gallatin county, Illinois, and by the construction of the dam on the Illinois river near Henry, in Marshall county, Illinois," approved May 31, 1879, appropriated (among other appropriations for the benefit of many such owners) to the said Jacob and Nicholas Lucinger, the sum of two hundred and ninety dollars, for damages sustained by them to their lands, by reason of the construction of the said dam across the Illinois river near Henry, Illinois; and,

WHEREAS, the said two hundred and ninety dollars remains wholly unpaid, and the same is lapsed into the State treasury without their fault; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the said sum of two hundred and ninety dollars be, and the same is hereby appropriated to the use and benefit of the said Jacob and Nicholas Lucinger, in payment of the damages allowed to them in the above act, and the same shall be in full of all claim or demand for damages against the State, sustained by said Jacob and Nicholas Lucinger by reason of the construction of said dam.

§ 2. Upon a release being filed with the Auditor of Public Accounts, of all such damages which have accrued or may hereafter accrue, by the said Jacob and Nicholas Lucinger, and the present owner or owners of all land formerly owned by said Lucinger and damaged by the construction of the dam on the Illinois river near Henry, the Auditor of Public Accounts shall draw his warrant on the State Treasurer for the said sum of two hundred and ninety dollars, in favor of the said Jacob and Nicholas Lucinger, payable out of any funds in the State treasury not otherwise appropriated.

APPROVED June 25, 1883.

LAW LIBRARY AT THE CAPITOL.

§ 1. Appropriates \$4,000.

| § 2. How drawn.

AN ACT *making an appropriation for the purchase of books for the State law library, at the Capitol.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated for the purchase of books for the State law library, at the Capitol, the sum of four thousand dollars (\$4,000).

§ 2. The judges of the Appellate Court for the Third District are hereby authorized and directed, as soon as they think proper after this act shall be in force, to select and purchase for the use of said library, such books as in their judgment are most useful and necessary, the total cost of said books not to exceed the sum hereby appropriated, and on the presentation of the account of the purchase of such books by said judges, or a majority of them, the Auditor shall draw a warrant on the State Treasurer for the amount or amounts thereof, payable to the holder of such certificate or certificates, out of the money hereby appropriated.

APPROVED June 25, 1883.

MOUND CITY.

§ 1. Appropriates \$8,000 for levees.

§ 2. The appropriation hereby made to be in lieu of any and all claims against the State.

§ 3. How drawn.

§ 4. The money hereby appropriated not to be used for any other purpose.

AN ACT *making an appropriation to the city of Mound City, Pulaski County, Illinois, for the purpose of strengthening and improving the levees along the Ohio river at that place.*

WHEREAS, the recent floods in the Ohio river have demonstrated the fact that property at many points on said river is constantly in danger of being swept away; and

WHEREAS, the corporate authorities of Mound City, in Pulaski county, are unable to raise by taxation [a sum sufficient] to prevent the flooding of said town at any unusual rise in the Ohio river, and thus prevent the destruction of large amounts of property thereby; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of eight thousand dollars (\$8,000) be, and the same is hereby appropriated out of any money now in the State treasury, not otherwise appropriated, for the purpose of strengthening and improving the levees at said city of Mound City.

§ 2. The above amount shall be in lieu of all claims of Mound City against the State of Illinois by virtue of any law of said State appropriating or allowing said city to appropriate to itself moneys for the purpose of building levees.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant on the State treasury for the sum of money hereby appropriated, payable to the treasurer of Mound City.

§ 4. The moneys hereby appropriated shall be used for the purposes hereinbefore set forth, and for no other purpose whatever.

This bill having remained with the Governor ten days, Sundays excepted, the General Assembly being in session, it has thereby become a law.

WITNESS my hand this 13th day of April, A.D. 1883.

HENRY D. DEMENT,
Secretary of State.

MONUMENT TO JAMES A. MULLIGAN AND VOLUNTEERS OF THE BLACK HAWK WAR.

§ 1. Appropriates \$2,500 to the Mulligan Monument Board.

§ 2. The money hereby appropriated shall not be drawn until a like sum has been raised by private subscription, and deposited with said board.

§ 3. How drawn after certain conditions have been complied with.

§ 4. Advertisement for proposal for contracts by said board.

§ 5. Payment on contract.

§ 6. Appropriates \$500 for a monument to the soldiers who fell at "Stillman's Run"—Appointment of commission to erect.

AN ACT to make an appropriation to erect a monument over the grave of Col. James A. Mulligan, at Calvary Cemetery, Cook County, Illinois, and certain Illinois Volunteers who fell in the Black Hawk war.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand five hundred dollars (\$2,500) be, and the same is hereby appropriated by the General Assembly, subject to the order of the board of trustees, to consist of three (3) members, to be known as the "Mulligan Monument Board," who shall be appointed by the Governor, upon the passage of this law.

§ 2. This amount shall not be drawn by the said board until such time as the People of the State of Illinois shall have raised a like amount, viz: two thousand five hundred (\$2,500) dollars, and shall have deposited it with the said board, subject to their order.

§ 3. When the said "Mulligan Monument Board" shall have received from the People of the State of Illinois this sum of money, they shall issue an order upon the State Auditor, who shall draw his warrant upon the State Treasurer, for the sum appropriated by the General Assembly, said money to be paid out of any money in the State Treasury not otherwise appropriated.

§ 4. When this board shall have this sum of five thousand dollars (\$5,000) in their possession, it shall be their duty to advertise for bids for the erection of a monument over the grave of Colonel James A. Mulligan, at Calvary Cemetery, in Cook county, Illinois, and they shall let said contract to the lowest responsible bidder, the contract price not to exceed five thousand dollars (\$5,000).

§ 5. Upon the completion of said monument and its receptance by the board, they shall pay to the contractor for said work the sum designated in his contract.

§ 6. And the further sum of five hundred dollars (\$500) be, and the same is hereby appropriated to erect a monument over the common grave of those Illinois volunteers who fell at the battle of "Stillman's Run," so called, which is now Ogle county, in the Black Hawk War of 1832, and that the same be expended under the direction of Albert F. Brown and Joshua White of said county, and Starkey R. Powell of Scott county, any two of whom may act in case of the absence, or neglect of the other to act; said sum to be paid to said persons last aforesaid, or any two of them, on their application therefor, who shall within a reasonable time report to the Governor, with proper vouchers showing the manner of expending said sum: *Provided*, that the sum of twenty-five dollars (\$25) of the amount last aforesaid may be expended in acquiring title to the land in the name of the State of Illinois, upon which said grave is situated, with the privilege to all persons of ingress and egress thereto.

APPROVED June 25, 1883.

NATIONAL GUARD.

§ 1. Appropriates \$75,000 per annum for expenses.

§ 2. How drawn.

§ 3. Repeals sec. 1 of the military code.

§ 4. Transfer balances from "Military" to "Revenue" fund.

AN ACT to provide for payment of the Illinois National Guard for the year ending July 1, 1884, and for the year ending July 1, 1885, and to transfer balance of military fund to the general revenue fund.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated, to pay the expenses of the Illinois National Guard, for the years ending July 1, 1884, and July 1, 1885, the sum of \$75,000 per annum.

§ 2. The auditor of public accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the amount above set forth, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated, to the order of the persons entitled thereto.

§ 3. That all that part of section 1, article 10, of an act to provide for the organization of the State Militia, and entitled "The Military Code of Illinois," now in force, providing for the levy and collection of one-tenth of a mill for military purposes, is hereby repealed.

§ 4. That any unexpended balance that may be in State treasury to the credit of military fund on the first day of July, 1883, shall be transferred on the warrant of the Auditor of Public Accounts to the general revenue fund; and that any military tax collected from the levy of 1882, and paid into State Treasury after July 1, 1883, shall also be placed to the credit of general revenue fund.

APPROVED June 25, 1883.

NORMAL UNIVERSITIES.

Normal.

§ 1. Appropriation for support of.

| § 2. How drawn.

AN ACT making an appropriation for the ordinary expenses of the State Normal University, at Normal, and for additions to the library.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is appropriated to the State Normal University, in addition to one-half of the interest of the college and seminary fund, which is hereby appropriated, the further sum of seventeen thousand five hundred dollars per annum, payable quarterly in advance, for the payment of salaries, for the purchase of fuel, for additions to the library, for school apparatus, and for incidental expenses: *Provided*, that the expenses of the model school connected with and forming a part of the said State Normal University, shall be paid out of the receipts for tuition of pupils in said school, and not from the above appropriation or any part thereof.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sums of money upon the order of the Board of Education of the State of Illinois, signed by the president and attested by the secretary of said board with the corporate seal of said institution: *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts for the expenditures, ordinary and extraordinary, of the preceding quarter, and that no part of the money herein appropriated shall be due and payable until such vouchers shall have been filed.

APPROVED June 25, 1883.

Southern.

§ 1. Appropriations for support of. | § 2. How drawn.

AN ACT *making an appropriation for the ordinary expenses of the Southern Illinois Normal University, at Carbondale, in Jackson county.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated to the Southern Illinois Normal University, at Carbondale, in addition to the one-half of the interest of the College and Seminary Fund, which is hereby appropriated, the further sum of twelve thousand and fifty-six dollars and forty-four cents (\$12,056.44), per annum, for the payment of salaries; the sum of one thousand dollars (\$1,000), per annum, for fuel; the sum of seven hundred and fifty dollars (750), per annum, for repairs; the sum of seven hundred and fifty dollars (\$750), per annum, for library; the sum of four hundred dollars (\$400), per annum, for apparatus; the sum of five hundred dollars (\$500), per annum, for the use of the museum; the sum of three hundred and fifty dollars (\$350), per annum, for trustees' expenses, and the sum of three hundred dollars (\$300), per annum, for care of grounds; for the necessary excavation and erection of a brick coal house, the sum of four hundred dollars (\$400); and these several sums shall be payable quarterly in advance from the first day of July, 1883, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly: *Provided*, that the expenses of the Model and High Schools be paid from the receipts of the said schools.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the Treasurer for said sums, upon the order of the trustees of the said Southern Illinois Normal University, signed by their president and attested by the secretary, with the corporate seal attached: *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts, for all the expenses, ordinary and extraordinary, of the preceding quarter, and no part of the moneys herein appropriated shall be due and payable until such vouchers have been filed.

APPROVED June 25, 1883.

PENITENTIARIES.

Joliet.

§ 1. Appropriations for repairs and improvements.

§ 2. How drawn.

AN ACT making appropriations for repairs and improvements in the Illinois State Penitentiary, at Joliet, for constructing an artesian well, providing new ovens, enlarging gas works, introducing gas into west cell house, and reconstructing the sewers connected with said penitentiary.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be, and the same are hereby appropriated for the Illinois State Penitentiary, at Joliet, for the purposes hereinafter named, and for no other:

For painting, relaying floors, repairing and repointing walls, repairing roofs, sidewalks, steam and water pipes, boilers and machinery, and making such other repairs as may be required to keep the machinery and fixtures, buildings, walls, grounds, and appurtenances of said penitentiary in as good condition as they now are, the sum of three thousand five hundred dollars per annum, or so much thereof as may be necessary, from the first day of July, 1883, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For introducing gas into the west cell house, the sum of one thousand five hundred dollars.

For enlarging the gas works and providing new gas holder, the sum of two thousand dollars.

For providing two improved rotary ovens for the convict kitchen, the sum of two thousand three hundred dollars.

For securing an increase in the supply of water for said penitentiary, either by sinking an artesian well, or making connection with the Joliet city water works, as may, upon investigation by the commissioners, be deemed best for the State, the sum of six thousand five hundred dollars, or so much thereof as may be necessary.

For reconstructing the sewers connected with said penitentiary, and replacing the present stone drains with sewer pipe, the sum of six thousand dollars, or so much thereof as may be necessary.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the moneys herein appropriated, upon the order of the board of commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of said institution thereto affixed.

APPROVED June 25, 1883.

Joliet.

§ 1. Appropriates \$50,000 for ordinary expenses.

§ 2. Vouchers and statements.

AN ACT to provide for the ordinary expenses of the Illinois State Penitentiary, at Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated as a penitentiary fund, to defray such portions of the current expenses of the Illinois State Penitentiary, at Joliet, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly, as the earnings of convict labor in said penitentiary may be insufficient to defray; which sum shall be paid out upon the warrant of the Auditor of Public Accounts, in sums not exceeding ten thousand dollars at any one time. And the Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the money herein appropriated, to the order of the warden of the Illinois State Penitentiary, in sums not exceeding ten thousand dollars at any one time, on receiving the statements of the warden and board of commissioners of said penitentiary, approved by the Governor as hereinafter provided, showing that such money is necessary for the purposes contemplated by this act.

§ 2. Said commissioners shall file with the Auditor of Public Accounts, monthly statements, accompanied by proper vouchers, showing all receipts and disbursements of money during the preceding month on account of current expenses, from what sources received and for what purposes expended, which statements shall be sworn to by the warden, certified to be correct by at least two commissioners, and approved by the Governor. If a necessity exists for drawing money under the provisions of this act, said commissioners shall file with the Auditor an additional statement, sworn to, certified and approved as herein required for their monthly statements, which shall show the balance of cash on hand and all sums, in detail, due to and from said penitentiary, and shall also show that the available resources of said penitentiary, outside of the money herein appropriated, are insufficient to meet its liabilities; and no warrant for money herein appropriated shall be drawn by the Auditor, unless the provisions of this section are complied with.

APPROVED June 25, 1883.

Southern.

§ 1. Appropriates \$150,000 for ordinary expenses—how drawn.

§ 2. Statements filed with the Auditor.

AN ACT making an appropriation to meet the ordinary expenses of the Southern Illinois Penitentiary.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of defraying the ordinary expenses of the Southern Illinois Penitentiary, and the Auditor of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer for the money herein appropriated, payable to the order of the commissioners of said penitentiary, in sums not exceeding ten thousand dollars (\$10,000), at any one time, on receiving the certificate of said board of commissioners, approved by the Governor, that such money is necessary for the purposes of this act.

§ 2. After said board of commissioners shall have drawn any of the money herein appropriated, they shall not draw or receive any more thereof so long as there shall remain in their hands an amount unexpended, exceeding the sum of one thousand dollars (\$1,000), and after having drawn any sum, they shall file proper vouchers, accompanied by an abstract of the same, properly certified by said commissioners and approved by the Governor, showing in what manner the sum previously drawn has been expended.

APPROVED June 25, 1883.

Southern.

§ 1. Authorizes purchase of land.

§ 2. Appropriations for purchase of land.

§ 3. How drawn—title deeds.

§ 4. Appropriations for repairs and improvements.

§ 5. How drawn.

AN ACT to authorize the Commissioners of the Southern Illinois Penitentiary, at Chester, to purchase land for the use of the penitentiary, and for the erection of certain buildings and improvements, and to make appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Commissioners of the Southern Illinois Penitentiary at Chester, be, and are hereby authorized to purchase for the use of said penitentiary, the following tracts of land, to-wit: That portion of the fractional southwest quarter of section fourteen (14), township seven (7) south, range seven

(7) west, not contained in survey No. 540, claim No. 292, containing one hundred and three and seventy-two one hundredths ($103\frac{72}{100}$) acres, more or less. Also that portion of the fractional southeast quarter of said section lying between said survey and the ground belonging to the Southern Illinois Penitentiary, containing thirty-two and two one-hundredths ($32\frac{2}{100}$) acres, more or less. Also, that part of the northwest quarter of the northeast quarter of section twenty-three (23), containing five and sixty-five one-hundredths ($5\frac{65}{100}$) acres, more or less; and that portion of the northeast quarter of the northwest quarter of said section twenty-three (23), containing six and sixty-five one-hundredths ($6\frac{65}{100}$) acres, lying north of the Mississippi river and adjoining said penitentiary grounds on the west, all in Randolph county, State of Illinois, for the sum of three thousand dollars (\$3,000). Also the lot on which is situated the sandstone quarry, from which the present buildings of said penitentiary are constructed, containing five (5) acres, more or less, for the sum of one thousand dollars (\$1,000): *Provided*, a good and valid title, to be approved by the Attorney-General, can be made for said tracts of land to the State by the present owners thereof.

§ 2. The sum of four thousand dollars (\$4,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purchase of the real estate described in this act and for no other purpose.

§ 3. The commissioners of the Southern Illinois Penitentiary shall present to the Governor the abstracts of title and all other papers connected with the purchase of said real estate, and upon his certifying his approval of the title thereto, said penitentiary commissioners are authorized to make requisition upon the Auditor, who shall draw his warrant upon the State Treasurer for the amount necessary to pay for said real estate, not to exceed the amount appropriated by this act.

§ 4. For the erection of that portion of the wall of said prison, extending north from the north end of the present cell house, fifteen hundred dollars (\$1,500).

For building a sewer on the north side of the prison yard, four thousand five hundred dollars (\$4,500).

For the erection of an ice house 80x40x20, having a capacity to store 1,650 tons, building to be of stone and brick and truss roof, covered with shingles, three thousand dollars (\$3,000).

§ 5. The Auditor of Public Accounts is hereby authorized and instructed to draw his warrant on the Treasurer for said sums, only [on] the filing of vouchers therefor, payable to the order of the commissioners, upon receiving the certificate of the commissioners of said penitentiary, approved by the Governor, that said money is necessary for the purposes contemplated by this act.

APPROVED June 21, 1883.

Southern.

- § 1. Appropriates \$30,000 for current expenses.
 § 2. How drawn.

- § 3. Vouchers for money expended.
 § 4. Emergency.

AN ACT making an appropriation to meet the current expenses of the Southern Illinois Penitentiary, for the months of April, May and June, A. D. 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of thirty thousand dollars (\$30,000) be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the current expenses of the Southern Illinois Penitentiary, for the months of April, May and June, A. D. 1883.

§ 2. The Auditor of Public Accounts is hereby authorized and instructed to draw his warrant on the Treasurer for said sum, payable to the order of the commissioners, upon receiving the certificate of the commissioners of said penitentiary, approved by the Governor, that said money is necessary for the purposes contemplated in this act.

§ 3. Said commissioners shall file with the Auditor proper vouchers, accompanied by a certified abstract of the same, showing to whom, and for what, said money has been expended.

§ 4. Whereas an emergency exists, this act shall take effect from and after its passage.

APPROVED June 25, 1883.

ROSE CLARE FLOOD-SUFFERERS.

- § 1. Appropriates \$5,000 for destitute inhabitants—caused by floods.

- § 2. Names commissioners to disburse the fund.
 § 3. Emergency.

AN ACT to appropriate (\$5,000) five thousand dollars for the relief of the destitute inhabitants of the town of Rose Clare, who have been and are rendered destitute by the present floods in the Ohio river.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of (\$5,000) five thousand dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the relief of the destitute inhabitants of the town of Rose Clare, in Hardin county, who have been rendered and who are now destitute in consequence of the present floods in the Ohio river. The Auditor of the State is hereby required to draw his warrant for said sum of money, payable to W. S. Morris, of the Senate, and James M. Gregg, of

the House of Representatives, to be by them distributed as hereinbefore directed: *Provided*, that no part of the money hereby appropriated shall be used to compensate any person for property destroyed or damaged by said floods.

§ 2. The money appropriated by this act shall be disbursed by and through a committee, consisting of W. S. Morris, of the Senate, and James M. Gregg, of the House of Representatives. Said committee shall, within one month after disbursing said sum of money, render to the Governor a detailed account of the disbursements, together with the names of persons to whom relief may have been afforded under this act.

§ 3. Whereas, an emergency exists by reason of the present suffering and destitution of persons to be relieved under this act, therefore this act shall be in force from and after its passage.

APPROVED March 9, 1883.

SHAWNEETOWN FLOOD SUFFERERS.

§ 1. Appropriates \$30,000 for the relief of destitute people in Shawneetown and Gallatin county, caused by floods.

§ 2. Names commissioners to distribute the money appropriated, and requires report of acts.

§ 3. Emergency.

AN ACT to appropriate thirty thousand dollars (\$30,000) out of any moneys in the State Treasury not otherwise appropriated, for the relief of the destitute of Shawneetown and Gallatin county, who have been rendered destitute by the present floods in the Ohio and Wabash rivers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of thirty thousand dollars (\$30,000) be, and the same is hereby appropriated out of any funds in the State treasury not otherwise appropriated, for the relief of the destitute inhabitants of the city of Shawneetown and Gallatin county who have been and are rendered destitute by the floods of the Ohio and Wabash rivers, and the Auditor of Public Accounts is hereby required to draw his warrant on the State Treasurer for said sum of money, payable to the commissioners hereinafter named, to be by them disbursed under this act.

§ 2. The money appropriated by this act shall be disbursed by and through the following named persons: Alexander K. Lowe, Thomas S. Ridgway and Charles Carroll, who are hereby appointed commissioners to execute the provisions of this act: *Provided*, that no part of the money hereby appropriated shall be used to compensate any person for property destroyed or damaged by said flood. The commissioners hereinbefore named, or a majority of them, shall make a report of their expenditures of the money herein

appropriated, to the Governor of this State. Said report shall show in detail the manner of, and to whom, said money shall have been paid.

§ 3. Whereas, an emergency exists, by reason of the present suffering and destitution of persons to be relieved under this act, therefore this act shall take effect and be in force from and after its passage.

APPROVED March 16, 1883.

STATE CHARITABLE INSTITUTIONS.

Blind.

§ 1. Appropriations for ordinary expenses, repairs and improvements.

§ 2. Appropriations for fences, purchase of lands, mangle.

AN ACT *making appropriations for the Illinois Institution for the Education of the Blind.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, for the ordinary expenses of the Illinois Institution for the Education of the Blind, the sum of thirty-two thousand dollars (\$32,000) per annum is hereby appropriated, to be paid quarterly in advance, from the first day of July, 1883, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and for repairs and improvements, the sum of fifteen hundred dollars (\$1,500) per annum, payable to the trustees or their order in the manner now provided by law.

§ 2. For the construction of a fence on the east, north and west sides of the grounds thereof, the sum of twelve hundred dollars (\$1,200). For the purchase of twenty-two acres of land for pasturage, the sum of twenty-five hundred (\$2,500). For a steam or gas heated mangle, the sum of five hundred and fifty dollars (\$550).

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the amount above set forth, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated, to the order of the persons entitled thereto.

APPROVED June 21, 1883.

Deaf and Dumb.

§ 1. Appropriations for kitchen and refrigerator house.

§ 2. How drawn.

AN ACT *making appropriations for the Illinois Institution for the Education of the Deaf and Dumb.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and are hereby appropriated to the Illinois Institution for the Education of the Deaf and Dumb, the sums of six thousand dollars (\$6,000), for the erection of kitchen building and employes' quarters; five thousand dollars (\$5,000), for the erection of a refrigerator house.

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the aforesaid institution, or their order, on the terms and in the manner now provided by law.

APPROVED June 21, 1883.

Deaf and Dumb.

§ 1. Appropriations for ordinary expenses, repairs and improvements.

AN ACT *for the support of the Illinois Institution for the Education of the Deaf and Dumb, and for general repairs thereon, and for the pupils' library.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, the sum of ninety-seven thousand dollars (\$97,000), per annum, is hereby appropriated out of the State treasury, payable quarterly in advance, from the first day of July, 1883, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly. And that there be, and is hereby appropriated, the further sums of two thousand dollars (\$2,000), per annum, for repairs and improvements; and five hundred dollars (\$500), per annum, for the pupils' library, from the first day of July, 1883, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the aforesaid institution, or their order, on the terms and in the manner now provided by law.

APPROVED June 21, 1883.

EYE AND EAR INFIRMARY.

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| § 1. Appropriations for ordinary expenses. | | § 2. Appropriations for repairs and improvements.
§ 3. How drawn. |
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AN ACT making appropriations for the Illinois Charitable Eye and Ear Infirmary, at Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated to the Illinois Charitable Eye and Ear Infirmary, at Chicago, for ordinary expenses, the sum of seventeen thousand dollars (\$17,000), per annum, from the first day of July, 1883, payable quarterly in advance, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

§ 2. That for the purpose of making needed repairs and improvements, the sum of one thousand dollars per annum is hereby appropriated; for the purchase of additional furniture, the sum of one thousand dollars per annum is hereby appropriated; for removing old wood stable and building brick stable and shed, the sum of nineteen hundred and fifty dollars (\$1,950) is hereby appropriated.

§ 3. The moneys herein appropriated shall be drawn from the State treasury in the manner and subject to the limitations and conditions now provided by law.

APPROVED June 25, 1883.

FEEBLE-MINDED CHILDREN.

- § 1. Appropriations for ordinary expenses, repairs and improvements.

AN ACT making appropriations for the Illinois Asylum for Feeble-Minded Children.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, for the purpose of defraying the ordinary expenses of the Illinois Asylum for Feeble-Minded Children, the sum of fifty-six thousand dollars (\$56,000) per annum be, and the same is hereby appropriated out of the State treasury, payable quarterly in advance, from the first day of July, 1883, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and that there be, and are hereby appropriated the further sums of two thousand dollars (\$2,000) for the construction of a laundry building, in addition to the three thousand dollars which was appropriated by the last

General Assembly; which, being insufficient for the purpose, remains in the State Treasury, and which sum is hereby re-appropriated for the same purpose.

Also the sum of five thousand dollars (\$5,000) for finishing, furnishing, steam heating, plumbing and ventilating the basement, main building and wings.

One thousand dollars (\$1,000) for constructing a reservoir or cistern for soft water.

Two thousand dollars (\$2,000) per annum for repairs, and five hundred dollars (\$500) per annum for improvement of grounds.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer for said sums, upon the orders of the Board of Trustees of the Illinois Asylum for Feeble-Minded Children, signed by the president and attested by the secretary of said board with the seal of the asylum.

APPROVED June 21, 1883.

HOSPITAL FOR THE INSANE.

Eastern.

§ 1. Appropriates \$400,000 for additional buildings.

§ 2. Specifies the character of the buildings.

§ 3. Plans and specifications must be submitted to the Governor and Board of Public Charities for approval.

§ 4. How the money appropriated by section 1 shall be drawn.

§ 5. Appropriates \$125,000 per annum for the support of patients in new building.

AN ACT making an appropriation to the Illinois Eastern Hospital for the Insane, at Kankakee, for the erection, completion and furnishing of additional buildings, to be used as dormitories and living rooms, and for the sustenance of the patients who may occupy the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of four hundred thousand dollars (\$400,000), or so much thereof as may be necessary, be, and the same is hereby appropriated to the Illinois Eastern Hospital for the Insane at Kankakee, for the erection, completion and furnishing of additional buildings, to be used as dormitories and living rooms.

§ 2. Said building shall be of a plain, substantial character, of brick or stone, or brick and stone, not more than two stories in height, corresponding in general plan and design to the detached wards heretofore erected at said Illinois Eastern Hospital for the Insane, and shall be sufficient to accommodate not less than one

thousand inmates, to be received from all portions of the State in the proportion as now, or may be hereafter provided by law from counties.

§ 3. Detailed plans, specifications, and estimates of expense, showing that said additional buildings, sufficient to accommodate not less than one thousand inmates, can be erected, completed and furnished at a total cost of not to exceed said sum of four hundred thousand dollars (\$400,000), shall be prepared and submitted to the Governor and the State Board of Charities, and approved by them, before any of said buildings shall be begun or contracted for; and no contract for any building shall be made for a greater cost than four hundred dollars *per capita*.

§ 4. The Auditor of Public Accounts is hereby authorized to draw his warrants on the treasury for the money hereby appropriated, upon the orders of the board of trustees of said Illinois Eastern Hospital for the Insane, signed by the president and attested by the secretary, with the seal of said institution thereto attached, subject to the limitations and conditions contained and expressed in section 18, 19 and 20 of an act entitled "An act to regulate the State charitable institutions, and the State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1874.

§ 5. For the additional expense of maintenance of one thousand patients, when the buildings herein provided for shall have been completed, or of maintenance *pro rata* of a smaller number, in case any part of the said buildings shall be completed and made ready for occupancy before the whole shall have been completed, the sum of one hundred and twenty-five thousand dollars per annum is appropriated, which is at the rate of one hundred and twenty-five dollars per annum for each patient maintained; and the said appropriation shall be due and payable as follows, to-wit: Whenever any portion of the said additional buildings have been erected, constructed, furnished and provided with all necessary conveniences for the reception of patients, the trustees of the hospital shall certify that fact to the Governor, and shall state the number of patients who can be accommodated in the additions then completed; and the Governor shall, after satisfying himself of the truth of said certificate, deliver the same to the Auditor of Public Accounts, who shall thereupon draw his warrant upon the Treasurer in favor of the trustees of the hospital for a *pro rata* allowance for each additional patient provided for, at the rate of thirty-five cents a day from the filing of the certificate until the end of the current fiscal quarter year, and thirty-one dollars and twenty-five cents per quarter year thereafter, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

APPROVED June 18, 1883.

Eastern.

§ 1. Appropriations for ordinary expenses, repairs, and improvements.

§ 2. How drawn.

AN ACT making appropriations for the Illinois Eastern Hospital for the Insane, at Kankakee.

SECTION 1. *Be it enacted by the Veople of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby appropriated to the Illinois Eastern Hospital for the Insane, at Kankakee, for the purposes hereinafter named, and for no other.

For additional boiler and pump for water-works, six thousand dollars (\$6,000).

For fire hydrants and hose required to protect detached wards and rear buildings against fire, one thousand dollars (\$1,000).

For the construction of filter bed, pure water basin, and settling basin, twelve thousand dollars (\$12,000).

For the construction and completion of refrigerating house, three thousand dollars (\$3,000).

For purchase of not less than one hundred and fifty acres of additional land, ten thousand dollars (\$10,000); the title to be examined and approved by the Attorney General before warrant drawn for the amount.

For furniture for fifty (50) patients now present in excess of number provided for, also, for additional furniture for kitchen and laundry, for amusement hall and bath-house, three thousand five hundred dollars (\$3,500).

For library, five hundred dollars (\$500).

For musical instruments, means of recreation for patients, one thousand dollars (\$1,000).

For improvement of grounds and farm, one thousand dollars (\$1,000), per annum, for two years.

For additional stock and farm implements, two thousand dollars (\$2,000), per annum, for two years.

For pipe covering in new buildings, one thousand dollars (\$1,000).

For repairs and improvements, four thousand dollars (\$4,000), per annum, for two years.

For ordinary expenses, payable quarterly in advance, for the year commencing July 1, 1883, the sum of one hundred and four thousand dollars (\$104,000), and the sum of one hundred and four thousand dollars (\$104,000) per annum thereafter, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

§ 2. The moneys herein appropriated shall be due and payable to the trustees or their order, only on the terms and manner now provided by law: *And, provided further,* that the sums hereby appropriated for the improvements herein, be the full amounts for the objects specified, and the trustees shall not make any contract for any portion of the building, or expend any portion of the appropriation hereby made, unless the said appropriation is sufficient to complete all of the said improvements and finish the same.

APPROVED June 21, 1882.

Central.

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| § 1. Appropriations for ordinary expenses
repairs and improvements. | § 2. How drawn. |
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AN ACT making appropriations for the ordinary expenses of the Illinois Central Hospital for the Insane, at Jacksonville, and for general repairs and improvements thereon.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby appropriated to the Illinois Central Hospital for the Insane, at Jacksonville, for the purposes hereinafter named:

For defraying the ordinary expenses of the said hospital, from July 1, 1883, the sum of one hundred and ten thousand dollars (\$110,000) per annum, payable quarterly in advance, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For repairs and improvements, five thousand dollars (\$5,000) per annum.

For additional appropriation for end walls and improvements in connection with rebuilding the same, five thousand dollars (\$5,000.)

For improvement and care of grounds, one thousand dollars (\$1,000) per annum.

For renewing heating surfaces in two sections of the main building, two thousand dollars (\$2,000) per annum.

For one fire pump, one thousand dollars (\$1,000.)

§ 2. The moneys herein appropriated shall be due and payable to the trustees or their order, only on the terms and in the manner now provided by law.

APPROVED June 21, 1883.

Central.

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| § 1. Appropriates \$135,000 for additional
buildings. | § 3. How appropriation drawn. |
| § 2. Superintendent and trustees have
charge of work. | |

AN ACT making an appropriation for erecting a detached building to the Central Hospital for the Insane, at Jacksonville, and for heating, furnishing and completing the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of erecting an additional building to the Central Hospital for the Insane, the sum of one hundred and thirty-five thousand dollars (\$135,000) is hereby appropriated, out of any money in the State treasury not otherwise appropriated. The amount herein named shall be for the erection

of a good and substantial brick building for the proper accommodation of three hundred patients, with the necessary officers, attendants and employes for their care, piping the same for gas, water and steam, erecting a suitable boiler house and procuring boilers, providing kitchen and cooking fixtures, together with all necessary furniture for completing the building for occupancy by patients.

§ 2. The superintendent of said hospital, under the direction of the board of trustees, shall procure plans, and shall have general charge and supervision of the work of constructing and finishing this addition.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the Treasurer, upon the order of the board of trustees, signed by the president of said board, and attested by the secretary, with the corporate seal of the institution thereto affixed, subject to the limitations contained in sections eighteen, nineteen and twenty of an act entitled "An act to regulate the state charitable institutions and the reform school, and to improve their organization and increase their efficiency," approved April 15, 1875.

APPROVED June 21, 1883.

Northern.

§ 1. Appropriations for ordinary expenses, repairs and improvements.	§ 2. How drawn.
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AN ACT making appropriations for the ordinary and other expenses of the Illinois Northern Hospital for the Insane, at Elgin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby appropriated to the Illinois Northern Hospital for the Insane, at Elgin, for the purposes hereinafter named, and for no other, viz:

For ordinary expenses, the sum of one hundred and six thousand dollars (\$106,000) per annum, payable quarterly, in advance, from the first day of July, A. D. 1883, until after the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For repairs and contingent fund, the sum of six thousand dollars (\$6,000) per annum; total, \$12,000.

For improvement of grounds, the sum of one thousand dollars (\$1,000) per annum; total, \$2,000.

For front fence and gateways, the sum of fifteen hundred dollars (\$1,500.)

For increase of patients' library, the sum of five hundred dollars (\$500) per annum; total, \$1,000.)

For changing high pressure system of heating in south wing and central building to low pressure, completing air ducts, etc., to conform to changes in north wing, the sum of eighteen thousand eight hundred and eighty-one dollars and seventy-seven cents (\$18,881.77.)

For two new boilers and boiler fronts, setting and making connections, etc., the sum of four thousand three hundred and forty dollars (\$4,340.)

For new washing machines, steam mangle and elevator for hoisting wet clothes from wash room to dry room, the sum of two thousand dollars (\$2,000.)

For the purchase of electrical apparatus to be used in the treatment of patients, the sum of one thousand dollars (\$1,000.)

§ 2. The moneys herein appropriated shall be due and payable to the trustees of said Illinois Northern Hospital for the Insane, at Elgin, or their order, only on the terms and in the manner now provided by law.

APPROVED June 21, 1883.

Southern.

§ 1. Appropriations for ordinary expenses, repairs and improvements.

§ 2. How drawn.

AN ACT *making appropriations for the Illinois Southern Hospital for the Insane, at Anna.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby appropriated to the Southern Hospital for the Insane at Anna, for the purposes herein named:

For ordinary expenses from July 1, 1883, the sum of ninety-eight thousand dollars per annum, thereafter, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For repairs and improvements, three thousand dollars per annum.

For care and improvements of grounds, one thousand dollars per annum.

For a new main sewer, three thousand dollars.

For settling basin and filter, pure water reservoir and pipes, ten thousand dollars.

For an additional fire pump, discharge pipes and fire plugs, outside of the building, two thousand five hundred dollars.

For five-eighths mile of fence, two hundred and fifty dollars.

For converting barracks into a permanent cottage, four thousand dollars.

For furnishing same, two thousand dollars.

For the purchase of one hundred and sixty acres of land, sixty-four hundred dollars; the title to be examined and approved in writing by the Attorney-General before warrant drawn for the amount.

§ 2. The money herein appropriated shall be due and payable to the trustees or their order, only on the terms and in the manner now provided by law.

APPROVED June 21, 1883.

Southern.

§ 1. Appropriation for building.

| § 2. How drawn.

AN ACT making special appropriations for an addition to the north wing of the Hospital for the Insane, at Anna.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amount be, and the same is hereby appropriated to the Illinois Southern Hospital for the Insane, at Anna: For building an addition to the north wing, for the accommodation of thirty-two patients of the more excited and dangerous class, twenty-two thousand dollars (\$22,000) together with the unexpended balance of the appropriation made for the rebuilding of the north wing, after the fire of April 19th, 1881, which is hereby reappropriated.

§ 2. The money hereby appropriated shall be due and payable to the trustees or their order only on the terms and in the manner now provided by law.

APPROVED June 21, 1883.

SOLDIERS' ORPHANS' HOME.

§ 1. Appropriations for ordinary expenses.

| § 3. How drawn.

§ 2. Appropriations for repairs and improvements.

AN ACT entitled. "*An act to make appropriations for the Illinois Soldiers' Orphans' Home, and to maintain said institution for the next two years.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That from and after the first day of July, A. D. 1883, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General

Assembly, there is hereby appropriated to the Illinois Soldiers' Orphans' Home the sum of fifty-five thousand dollars (\$55,000), per annum, payable quarterly in advance, for the ordinary and incidental expenses of said institution.

§ 2. There is further appropriated to said Illinois Soldiers' Orphans' Home the following amounts, to-wit:

For improvements and repairs, five thousand dollars (\$5,000).

For a new hospital building, the additional sum of two thousand five hundred dollars (\$2,500).

For library books, the sum of five hundred dollars (\$500).

For furniture, the sum of five hundred dollars (\$500).

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the amounts herein appropriated upon the order of the board of trustees signed by the president and attested by the secretary, with the seal of the institution, subject to the provisions of sections eighteen (18), nineteen (19) and twenty (20) of an act to regulate State institutions, approved April 15, 1875.

APPROVED June 25, 1883.

REFORM SCHOOL.

§ 1. Appropriations for ordinary expenses, repairs and improvements.

§ 2. How drawn.

AN ACT *making appropriations for the Illinois State Reform School, at Pontiac.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following amounts be, and are hereby appropriated to the Illinois State Reform School, at Pontiac, for the purposes herein named, and for none other:

For ordinary expenses, the sum of forty-two thousand dollars per annum.

For repairs and improvements of the west wing of said Reform School, the sum of nine thousand dollars.

For the erection of a new family building, the sum of thirty thousand dollars.

For a new boiler, two thousand five hundred dollars.

For a heater and purifier, one thousand dollars.

For three cisterns, five hundred dollars.

For stand-pipe and hose for protection against fires, three hundred and seventy-five dollars.

For fire-pump, pipe and connections, seven hundred dollars.

For the purchase of books for library, two hundred dollars per annum.

For painting wood-work inside of buildings, five hundred dollars.

For extraordinary and incidental expenses, one thousand dollars per annum.

§ 2. The moneys herein appropriated shall be paid to the institution in the manner and upon the conditions now provided by law.

APPROVED June 21, 1883.

RICHARD SHINNICK.

§ 1. Appropriates \$5,765 for extra work on Southern Hospital for the Insane.

AN ACT to pay Richard Shinnick damages suffered by a failure of the State of Illinois to perform its contract with him for work and material on the Southern Insane Asylum, and for extra work.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be and hereby is appropriated to Richard Shinnick the sum of five thousand seven hundred and sixty-five dollars (\$5,765.00), on account of extra work done by said Shinnick on the Southern Insane Asylum, under orders from the superintendent, on account of failure of the State to perform its part of a contract made with said Shinnick for work in the erection of said asylum, as detailed below :

For dumb waiters.....	\$460
Extra cost of hauling stone, 3½ miles.....	2,700
Additional cost of procuring stone.....	1,000
Moving derricks	75
Paying for use of quarry	550
Milwaukee pressed brick	580
Excavation not measured	400

To be paid out of any money in the treasury not otherwise appropriated, and charged to the account of said asylum.

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it, or to file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand this 29th day of June, A. D. 1883.

HENRY D. DEMENT, *Secretary of State.*

ESTATE ALFRED SPINK.

§ 1. Appropriates \$150 for services in examining books and accounts of Joliet Penitentiary.

AN ACT to allow the estate of Alfred Spink one hundred and fifty dollars for an examination and report on the condition of the books and accounts of the penitentiary, made by Alfred Spink in his lifetime.

WHEREAS, an appropriation was made by the General Assembly by an act approved May 27, A. D. 1874, for the payment of one hundred and fifty dollars to Alfred Spink for an examination and report on the condition of the books and accounts of the penitentiary made by him, and which said appropriation of one hundred and fifty dollars has never been withdrawn from, but has lapsed to the treasury of the State of Illinois, and the said Alfred Spink has since died; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of one hundred and fifty dollars, to pay for the services rendered by Alfred Spink, deceased, in his lifetime, making an examination and report on the condition of the books and accounts of the Illinois Penitentiary, and on the presentation of properly receipted bills by the administrator of his estate, to the Auditor of Public Accounts, he shall draw his warrant on the State Treasurer in favor of said estate for said amount.

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it, or to file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand this 29th day of June, A. D. 1883.

HENRY D. DEMENT, *Secretary of State.*

COMPLETION OF STATE HOUSE.

§ 1. Appropriates \$531,712.

§ 2. Appointment of three commissioners by the Governor to superintend the work, prescribes their duties, and fixes their compensation.

§ 3. Provides for submitting the appropriation hereby made to a vote of the people for ratification, and prescribes the manner of drawing the money from the State Treasury.

AN ACT to provide means for the completion and furnishing the State House and for the improvement of the grounds, and to provide for the appointment of three commissioners.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five hundred and thirty-one thousand, seven hundred and twelve dollars (\$531,712) be, and the same is hereby appropriated for the completion and

furnishing of the State House, and for the improvement of the grounds, payable, as hereinafter provided, out of any moneys in the State treasury not otherwise appropriated.

§ 2. The Governor shall, by and with the consent of the Senate, appoint three discreet and skillful persons to act as commissioners to superintend the completion of the State House, who, before they enter upon the discharge of their duties, shall enter into a bond to the People of the State of Illinois, with sureties to be approved by the Governor, in penal sum of twenty-five thousand dollars each, within thirty days after their appointment, conditioned for the faithful performance of their duties; and shall severally take an oath that they will well and truly discharge all of their duties as such commissioners in superintending the completion of said State house. The Governor of the State is hereby authorized to fill all vacancies by appointing commissioners, who shall continue to act until the next session of the General Assembly, when the Senate may ratify or reject said appointment. The Governor is also authorized to remove any commissioner for cause, and fill the vacancy occasioned thereby. The compensation of each of said commissioners shall be at the rate of five hundred dollars per annum, and shall be paid out of this appropriation.

§ 3. This act shall not take effect until it shall first have been submitted to a vote of the people of the State of Illinois, at the general election to be held on the first Tuesday after the first Monday in November, 1884, and shall have been approved by a majority of all the votes polled at such election. At the said election, the ballots, in so far as they relate to this act, shall be in the following form: "For the \$531,712 appropriation;" and when so voted, it shall count in favor of this act; but if canceled with ink or pencil, it shall be counted against this act. The returns of the whole vote cast at the said election, and the votes for the adoption or rejection of this act, shall be made and canvassed by the same officers and in the same manner as are the votes for presidential electors; and if it shall appear that a majority of the votes polled are "for the \$531,712 appropriation," the Governor shall make proclamation thereof, and this act shall take effect from and after the date of such proclamation, and the amount hereby appropriated shall be payable as follows: Two hundred thousand dollars (\$200,000) shall be payable immediately thereafter out of any money in the State treasury not otherwise appropriated, and the remaining three hundred and thirty-one thousand seven hundred and twelve dollars (\$331,712), or so much thereof as may be necessary, shall be payable at such time or times as may hereafter be provided by the General Assembly; and the Auditor of Public Accounts will thereupon draw his warrants on the Treasurer, payable out of such appropriation, on the accounts of expenditure, as heretofore, when duly certified to by the State House Commissioners, or a majority of them, and approved by the Governor; but if a majority of the votes cast are "against the \$531,712 appropriation," then this act shall be null and void.

APPROVED June 14, 1883.

PAVING AND CURBING STREETS IN FRONT OF STATE HOUSE.

§ 1. Secretary of State authorized to make contracts.

§ 2. Appropriates \$25,000 for the purpose, and providing that this act shall not take effect until the city of Springfield shall have completed the paving of the remaining portion of the streets named, and provided for paving Capital avenue from Second to Tenth streets.

AN ACT to provide for the construction of curb and flag stones on the east, north and west sides of the capitol grounds, and for the paving of one-half the streets adjacent thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Secretary of State is hereby authorized and instructed to procure the construction of stone curbing and a sidewalk of stone flagging along the east side of the capitol grounds on Second street from the south line of said capitol grounds to Monroe street; and along the north line of said capitol grounds on Monroe street from Second street to Spring street; and along the west side of said capitol grounds on Spring street from Monroe street to the south line of said capitol grounds; and also to procure the construction of a good and substantial pavement of wood, stone or brick, extending from said stone curbing to the middle of said streets hereinbefore described, and the entire width of that portion of Monroe street where the State owns the property on both sides thereof; the said curbing, flagging and pavement to be of good and substantial material, and the labor to be performed in a workmanlike manner upon plans and specifications furnished by the Secretary of State, and under contracts let by him to the lowest responsible bidder.

§ 2. The sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby appropriated for the expenditures authorized in this act, and the Auditor of Public Accounts is hereby required to draw his warrants upon the Treasurer, payable out of such appropriation, for the accounts of such expenditure, upon the presentation of vouchers approved by the Secretary of State: *Provided*, that this act shall be of no force or effect until the city of Springfield shall have completed the construction, in a like manner, of the curbing and paving of the like remaining portion of the said streets hereinbefore described; and shall also provide for the curbing and paving of Capitol avenue, in a good and substantial manner, from Second street to Tenth street, and for the construction of a good and substantial sidewalk on the north side of Capitol avenue from Second street to Sixth street.

APPROVED June 15, 1883.

STATE GOVERNMENT—GENERAL ASSEMBLY.

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| § 1. Appropriates \$5,000 for incidental expenses. | § 3. Emergency. |
| § 2. How drawn. | |

AN ACT to provide for the incidental expenses of the Thirty-third General Assembly, and for the care and custody of the State House and grounds, incurred, or to be incurred, and now unprovided for.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five thousand dollars (\$5,000), or so much thereof as may be required, is hereby appropriated to pay for the incidental expenses of the Thirty-third General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed on him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. Whereas, the appropriations above recited are necessary for the expenses incurred, or to be incurred, for the transaction of the business of the State and the General Assembly, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED January 31, 1883.

GENERAL ASSEMBLY.

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| § 1. Appropriates \$10,000 additional for the payment of employees of the 33d General Assembly. | § 2. Emergency. |
|---|-----------------|

AN ACT making an additional appropriation for the payment of the employees of the Thirty-third General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated an additional sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, to pay the employees of the

Thirty-third General Assembly, at the rate of compensation allowed by law; said employees to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. Whereas, there does now exist a deficiency in the appropriation heretofore made for the above purpose, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 18, 1883.

NEXT GENERAL ASSEMBLY, AND SALARIES OF OFFICERS.

§ 1. Appropriates \$800,000, or so much thereof as may be necessary.

AN ACT making an appropriation for the payment of the officers and members of the next General Assembly, and for the salaries of the officers of the State government.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of eight hundred thousand dollars (\$800,000), or such sum as may be necessary to pay the officers and members of the next General Assembly, and the salaries of the officers of the State government, at such rate of compensation as is now, or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

APPROVED June 25, 1883.

ORDINARY AND CONTINGENT EXPENSES.

§ 1. Appropriates as follows:

CLAUSE 1-6. To the Governor: for contingent fund, clerk hire, office expenses, porter, care of mansion and grounds, and repairs.

7. To the Secretary of State: for clerk hire, office expenses, porters and messengers, indexing, care of state house, and grounds, restoring and cleansing paintings in state house and executive mansion.

8-9. To the Auditor: for clerk hire, porters and messengers, office expenses, indexing field notes and surveys.

CLAUSE 10. To the Treasurer of State: for clerk hire, office expenses, watchmen, messenger and clerk.

11. To the Superintendent of Public Instruction: for clerk hire, janitor and messenger, office expenses.

12. To the Attorney General: for clerk hire, porter and messenger, office expenses.

13. To the Adjutant General: for clerks, ordnance sergeant and janitor, indexing war records, repairs of arsenal, and office expenses.

CLAUSE 14. To the State Board of Charities: secretary's salary, clerk hire, and incidental expenses of the board.

15. To the Auditor: for State suits.

16. For conveying convicts to the penitentiary.

17. For the apprehension and delivery of fugitives from justice.

18. For conveying juvenile offenders to the reform school.

19. Printing paper and stationery.

20. Incidental and contingent expenses of Supreme Court.

21. Bailiff for the Court of Claims.

22. Public printing.

23. Interest on school fund.

24. Taxes paid in error, and over-payments on collectors' accounts.

25. Janitors, watchmen and laborers at the state house.

26. Historical library and museum: for salary of curator, assistant curator, janitor, traveling expenses curator, new cases.

CLAUSE 27. Railroad and Warehouse Commissioners: for office expenses, clerk hire, secretary's salary, incidental expenses, legal expenses, printing and publishing schedules.

28. Employes of next General Assembly.

29. Copying and distributing laws, etc.

30. Heating and lighting state house.

31. State Board of Equalization.

32. Library Southern Penitentiary.

33. Library Joliet penitentiary.

34. Supreme Court reports.

35. Heating department of the state house: for repairs.

36. State Board of Health: for salary of secretary, office expenses, salary of assistant secretary and clerk hire; contingent fund.

37. State library: for books, and salary of assistant librarian.

38. School fund.

39. Bureau of Labor Statistics: for expenses, salary of secretary.

40. Fish Commissioners.

41. Committee expenses 34th General Assembly.

AN ACT to provide for the ordinary and contingent expenses of the State government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums be, and are hereby appropriated to meet the ordinary and contingent expenses of the State government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly:

First—A sum not exceeding two thousand dollars (\$2,000), per annum, shall be subject to the order of the Governor for defraying all such public expenses of the State government as are unforeseen by the General Assembly, and not otherwise provided for by law; payment to be made from time to time upon bills of particulars, certified to by the Governor.

Second—The sum of three thousand five hundred dollars (\$3,500), per annum, for clerk hire in the Governor's office, payable quarterly, upon the Governor's order.

Third—A sum not to exceed seven hundred and fifty dollars (\$750), per annum, for postage, expressage, telegraphing, and other incidental expenses connected with the Governor's office; to be paid on bills of particulars, certified to by the Governor.

Fourth—To the Governor, for one porter, the sum of seven hundred dollars (\$700), per annum; payable quarterly, upon the order of the Governor.

Fifth—To the Governor, for repairs and care of executive mansion and grounds, and for heating and lighting the executive mansion, three thousand dollars (\$3,000), per annum; to be paid on bills of particulars, certified to by the Governor.

Sixth—To the Governor, for new roof for the executive mansion, and for repairing chimneys and fence, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary; to be paid upon bills of particulars, certified to by the Governor.

Seventh—To the Secretary of State, for clerk hire in his office, the sum of ten thousand five hundred dollars (\$10,500) per annum; payable quarterly, upon his order. To the Secretary of State, for repairs, postage, expressage, telegraphing and other incidental expenses of the office, a sum not exceeding three thousand dollars (\$3,000), per annum; payable upon bills of particulars, certified by the Secretary of State and approved by the Governor. To the Secretary of State, for two porters or messengers, the sum of seven hundred dollars (\$700) each, per annum, payable monthly upon his order; also, for continuing the work of indexing, classifying and arranging the files and records of the office of the State department, the sum of three thousand dollars (\$3,000), per annum, payable upon his order and approved by the Governor. To the Secretary of State, for the payment of all necessary incidental expenses incurred by him in the care and custody of the State House and grounds and other State property, and in repairs and improvements of the same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of ten thousand dollars (\$10,000) per annum, payable upon bills of particular, certified to by the Secretary of State and approved by the Governor; also, to the Secretary of State, the further sum of five hundred and eighty dollars (\$580), or so much thereof as may be necessary, to be used to pay for cleansing and restoring the pictures and regilding the frames of the five pictures now in the State House, and portraits of Governors now in the Executive Mansion.

Eighth—To the Auditor of Public Accounts, for necessary clerk hire, the sum of seven thousand five hundred dollars (\$7,500), per annum, to be paid quarterly, upon his order. To the Auditor of Public Accounts, for two porters or messengers, the sum of seven hundred dollars (\$700) each, per annum, payable quarterly, upon his order. To the Auditor of Public Accounts, for repairs, postage, express charges, telegraphing and other incidental expenses incurred in the discharge of his duties, a sum not exceeding one thousand five hundred dollars (\$1,500) per annum: *Provided*, no part of the amount hereby appropriated shall be used to pay the expenses of the insurance department of said office of Auditor of Public Accounts, and he shall report the annual expenses of said insurance department to each General Assembly hereafter.

Ninth—To the Auditor of Public Accounts, for the arrangement and proper indexing of the field notes and plats of the United States surveys recently received from the office of the late custodian, the sum of five hundred dollars (\$500), payable upon his order.

Tenth—To the State Treasurer, for clerk hire, the sum of four thousand dollars (\$4,000) per annum; payable quarterly, upon his order. To the State Treasurer for repairs, express charges, postage, telegraphing and other necessary incidental expenses connected with his office, a sum not to exceed one thousand dollars (\$1,000) per annum; payable upon bills of particulars, certified to by him and approved by the Governor. To the State Treasurer, the sum of three thousand two hundred dollars (\$3,200), per annum, for two night and two day watchmen; payable quarterly, upon his order. To the State Treasurer, the sum of eight hundred dollars (\$800) per annum, for messenger and clerk; payable quarterly, upon his order.

Eleventh—To the Superintendent of Public Instruction, for clerk hire, the sum of two thousand four hundred dollars (\$2,400), per annum; and for a janitor, porter and messenger, who shall also perform the duties of clerk when not otherwise employed, the sum of eight hundred dollars (\$800), per annum; payable quarterly, upon his order. To the Superintendent of Public Instruction, for repairs, periodicals and educational works, and other necessary expenses of said office, a sum not exceeding one thousand five hundred dollars (\$1,500), per annum; payable on bills of particulars, certified to by him and approved by the Governor. Appropriations made by this clause to be paid out of the State school fund.

Twelfth—To the Attorney-General, for clerk hire, the sum of one thousand eight hundred dollars (\$1,800), per annum, payable quarterly, upon his order; and for a porter and messenger, who shall also act as porter and messenger for the Supreme Court reporter, the sum of six hundred dollars (\$600), per annum; payable quarterly upon his order. To the Attorney-General for telegraphing, postage and other necessary expenses incurred in the discharge of his duties, a sum not to exceed two thousand dollars (\$2,000), per annum; payable on bills of particular certified to him and approved by the Governor.

Thirteenth—To the Adjutant-General, for clerks, ordnance sergeant and janitor to aid and assist him in the discharge of his duties, the sum of two thousand five hundred dollars (\$2,500), per annum, payable quarterly, upon his order. To the Adjutant-General, fifteen hundred dollars (\$1,500), for additional clerk hire for indexing the war records in his office concerning the late war of 1861: *Provided*, that in the employment of clerks and assistants to carry on the business of the Adjutant-General's office, preference shall be given to only ex-Union soldiers, their widows, sons and daughters. For repairs on the arsenal and storehouse belonging to the State, the sum of four hundred dollars (\$400). To the Adjutant-General, for telegraphing, postage and other necessary office expenses, a sum not to exceed seven hundred dollars (\$700), per annum: *Provided*, no part of the money hereby appropriated shall be drawn from the treasury except upon vouchers approved by the Governor.

Fourteenth—To the Board of Public Charities, for salary of secretary, a sum not to exceed three thousand dollars (\$3,000) per annum; and for clerk hire and necessary incidental expenses of the board, a sum not to exceed four thousand dollars (\$4,000) per

annum, payable quarterly on bills of particulars, certified by them and approved by the Governor.

Fifteenth—A sum not exceeding two thousand dollars (\$2,000) per annum, for costs and expenses of State suits, to be paid upon bills of particulars, certified to by the Auditor and approved by the Governor.

Sixteenth—A sum not exceeding twenty-five thousand dollars (\$25,000) per annum, or so much thereof as may be necessary, for conveying convicts to the penitentiary, to be paid on the warden's certificate, at the compensation fixed by the general laws; the Auditor to compute the distance by the nearest railroad route.

Seventeenth—For the payment of the expenses provided for by law for the apprehension and delivery of fugitives from justice, twenty thousand dollars (\$20,000), or so much thereof as may be necessary, payable out of the levy of 1882, and fifteen thousand dollars (\$15,000) payable out of the levy of 1883, to be paid on the evidence required by law, certified and approved by the Governor; and the sum of three thousand dollars (\$3,000) for rewards for arrests of fugitives from justice, to be paid upon bills of particulars, having the order of the Governor indorsed thereon.

Eighteenth—The sum of three thousand dollars (\$3,000) per annum, or so much thereof as may be needed, for conveying juvenile offenders to the Reform School, at Pontiac, payable on the superintendent's certificate of delivery, at the rate of compensation allowed by law; the Auditor to compute the distance by the nearest railroad route.

Nineteenth—For printing paper and stationery, for the use of the General Assembly and Executive departments, purchased on contracts as required by law, payable on delivery thereof, on bills of particulars, certified to by the Board of Commissioners of State Contracts, and approved by the Governor, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be needed, payable out of the levy of 1882; and fifteen thousand dollars (\$15,000), payable out of the levy of 1883.

Twentieth—There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Court, to-wit: For stationery, repairs, furniture, expressage, books, and other expenses deemed necessary by the court, the following sums: To the Northern Grand Division, the sum of two thousand five hundred dollars (\$2,500) per annum; to the Central Grand Division, the sum of two thousand dollars (\$2,000) per annum; to the Southern Grand Division, the sum of fifteen hundred dollars (\$1,500) per annum; the same to be payable upon bills of particulars, certified to by at least two of the justices of said court. There is also appropriated for the pay of the librarians of the several grand divisions of said court, who shall also act as librarians for the Appellate Courts when in session in their respective grand divisions, the following sums: To the Northern and Southern Grand Divisions, each, the sum of four hundred dollars (\$400) per annum; to the Central Grand Division, the sum of one thousand dollars (\$1,000) per annum, payable quar-

terly, upon the certificate of at least two justices of said court. There is also appropriated the sum of three hundred dollars (\$300) per annum, each, to the Northern and Southern Grand Divisions of said court; and to the Central Grand Division of said court, the sum of four hundred dollars (\$400) per annum, for the pay of janitors, to perform such duties as shall be determined by said justices, to be paid quarterly, upon the order of at least two of the justices of said court. There is also hereby appropriated, to defray the incidental and contingent expenses of the Appellate Courts of this State, to-wit: For rents of court rooms, stationery, fuel, lights, postage, expressage, repairs, furniture, and other expenses deemed necessary by the respective courts, the following sums: To the First District, the sum of sixty-two hundred dollars (\$6,200), per annum; to the Second District, the sum of two thousand dollars (\$2,000), per annum; to the Third District, the sum of fifteen hundred dollars (\$1,500), per annum; to the Fourth District, the sum of one thousand dollars (\$1,000), per annum; these sums to be paid upon bills of particulars certified to by the clerks of the respective courts, and upon the order of at least two of the judges of the respective courts for which the expense was incurred. Also the sum of four hundred dollars (\$400), per annum, to each of the Second and Third districts, and the sum of three hundred dollars (\$300) per annum, to the Fourth District, for the pay of janitors, to perform such duties as shall be determined by the judges of the respective courts, to be paid quarterly, upon the order of at least two of the judges of said courts for their district; also the sum of six thousand dollars (\$6,000), to be expended in purchasing law books for the library of the Appellate Court of the First District; and the sum of six hundred dollars (\$600), per annum, for the payment of the salary of a librarian, to be paid quarterly, upon the order of at least two of the judges of said court.

Twenty-first—The sum of fifty dollars (\$50), or so much thereof as may be necessary, for the payment of bailiff at the next session of the court of claims, payable upon the order of the judges thereof.

Twenty-second—For public printing, thirty thousand dollars (\$30,000), or so much thereof as may be required. For public binding, ten thousand dollars (\$10,000) per annum, or so much thereof as may be required. The public printing and binding to be paid for according to the contract, upon the certificate of the Board of Commissioners of State Contracts, and approved by the Governor.

Twenty-third—The sum of fifty-seven thousand dollars (\$57,000) per annum, or so much thereof as may be necessary, to pay the interest on the school fund, distributed annually in pursuance of law; the amount appropriated under this clause, to be paid out of the State school fund.

Twenty-fourth—Such sums as may be necessary to refund the taxes on real estate sold or paid in error, and for over-payments of collector's accounts, under laws governing such cases, to be paid out of the proper funds.

Twenty-fifth—For laborers, janitors and watchmen of the State House, who shall perform such duties as shall be assigned to them by the Secretary of State, the sum of six thousand dollars (\$6,000) per annum, payable monthly upon the order of said Secretary of State.

Twenty-sixth—For the salary of the curator of the Illinois State Historical Library and Natural History Museum, the sum of two thousand dollars (\$2,000) per annum, and for the salary of one assistant, the sum of six hundred dollars (\$600) per annum, and for a janitor, the sum of six hundred dollars (\$600) per annum, payable monthly. For the contingent and necessary expenses of the curator, including traveling on business connected with his office, the sum of three hundred dollars (\$300), per annum; and for new cases for the museum, the sum of one thousand dollars (\$1,000), payable on bills for work done, and approved by the Board of Trustees of the State Historical Library and Natural History Museum.

Twenty-seventh—To the Railroad and Warehouse Commissioners, for the incidental expenses of their office, including care, stationery, postage and telegraphing expenses, extra clerk hire, and for the secretary's salary, and for all necessary expenditures, except those hereinafter provided for, a sum not to exceed four thousand dollars (\$4,000) per annum. For expenses incurred in suits or investigations commenced by authority of the State, under any law now in force or hereafter to be enacted, empowering or instructing the Board of Commissioners, including the fees of experts employed, the sum of five thousand dollars (\$5,000) per annum, or such part thereof as may be needed for such purposes. For the printing and publication of schedules of reasonable maximum rates of charges for the transportation of passengers and freights and cars, made or revised for any or all of the railroads of this State, as provided by law, the sum of two thousand five hundred dollars (\$2,500), or so much thereof as may be needed for such purpose.

Twenty-eighth—A sum not to exceed fifty thousand dollars (\$50,000), for the pay of the employes of the next General Assembly, as allowed them by law, to be paid on pay-rolls, certified to by the presiding officers of the respective houses, or as otherwise provided by law.

Twenty-ninth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, five hundred dollars (\$500). For distribution of the laws, journals, and other State documents, and incidental expenses connected therewith, the sum of five hundred dollars (\$500), and for expressage and postage on same, five hundred dollars (\$500).

Thirtieth—For heating, fuel and pay of engineers and firemen of the State House, and other incidental expenses thereof, the sum of ten thousand dollars (\$10,000) per annum, or so much thereof as may be needed. For lighting the State House, and other incidental expenses thereof, the sum of four thousand dollars (\$4,000), per annum, or so much thereof as may be necessary, to be paid upon bills of particulars, certified to by the Secretary of State and approved by the Governor.

Thirty-first—To the State Board of Equalization, for paying expenses, a sum not to exceed eight thousand dollars (\$8,000), per annum, payable in the manner provided by law.

Thirty-second—The sum of two hundred and fifty dollars (\$250), per annum, for the purchase of books for the library of the Southern Illinois Penitentiary, at Chester, to be paid upon bills of particulars having the order of the Governor endorsed thereon.

Thirty-third—The sum of two hundred and fifty dollars (\$250), per annum, for the purchase of books for the library of the Illinois State Penitentiary, at Joliet, to be paid upon bills of particulars having the order of the Governor endorsed thereon.

Thirty-fourth—Such sum as may be necessary to enable the Secretary of State to purchase such volumes of the reports of the decisions of the Supreme Court as he is, or may be required by law to purchase, to be paid on bills of particulars, certified to by the Secretary of State and approved by the Governor.

Thirty-fifth—The sum of twenty-five hundred dollars (\$2,500), or so much thereof as may be required, for repairs and necessary improvements in the heating department of the State House, to be paid upon bills of particulars certified to by the Secretary of State and approved by the Governor.

Thirty-sixth—To the State Board of Health, for salary of secretary, a sum not to exceed three thousand dollars (\$3,000), per annum; for necessary office expense, including expenses incurred in attending meetings of the Board, and in making sanitary inspections, two thousand dollars (\$2,000), per annum; for salary of assistant secretary, and additional clerk hire that may be needed, four thousand dollars (\$4,000), per annum. Also, the sum of five thousand dollars (\$5,000), as a contingent fund, to be used only with the consent and concurrence of the Governor, in case of the outbreak or threatened outbreak of any epidemic or malignant disease, such as yellow fever, cholera, etc., to defray the expenses of the Board of Health in investigating the causes of such diseases, and in aiding to prevent their spread, to be paid upon the order of the State Board of Health, signed by the president of the Board, and attested by the secretary.

Thirty-seventh—To the State Library (Secretary of State), for the purchase of books and expenses of the State Library, two thousand five hundred dollars (\$2,500), per annum, payable on bills certified by the Board of Commissioners of the State Library. Also, eight hundred dollars (\$800), per annum, for salary of assistant librarian payable monthly, on the order of the Secretary of State, approved by the Governor.

Thirty-eighth—The sum of one million dollars (\$1,000,000) annually, out of the State school fund, to pay the amount of the Auditor's orders for the distribution of said fund to the several counties. The Auditor shall issue his warrants on the proper evidence that the amount distributed has been paid to the county school superintendents.

Thirty-ninth—To the Commissioners of Labor Statistics, the sum of three thousand dollars (\$3,000), per annum, or so much thereof as may be necessary, for the current expenses of the Board in procuring statistics; and the sum of two thousand dollars (\$2,000), per annum, for the salary of their secretary.

Fortieth—The sum of five thousand dollars (\$5,000), per annum, or as much thereof as may be necessary, to the Fish Commissioners of this State, to be used by them in pursuance of law; all expenditures to be upon bills of particulars, certified to by a majority of the commissioners, and approved by the Governor.

Forty-first—A sum not exceeding three thousand dollars, (\$3,000), to pay the expenses of committees of the Thirteenth General Assembly; such expenses to be certified as may be provided by resolution of either house.

[§ 2.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums herein specified, upon the presentation of proper vouchers; and the State Treasurer shall pay the same out of the proper funds in the treasury, not otherwise appropriated. Said warrants shall be drawn in favor of and payable to the order of the persons entitled thereto.

APPROVED June 22, 1883.

STATE LABORATORY OF NATURAL HISTORY, AND ENTOMOLOGIST.

§ 1. Appropriations for field work, expense of laboratory, traveling expenses of State Entomologist, improvement of library, assistant's salary, and publications.

§ 2. How drawn.
§ 3. Limitation of act.

AN ACT making an appropriation for the ordinary expenses of the State Laboratory of Natural History, at Normal, for the improvement of the library thereof, and for the expenses of the State Entomologist's office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is appropriated to the State Laboratory of Natural History, at Normal: For the field work, office and incidental expenses of the laboratory, the sum of six hundred dollars per annum; for the traveling, office and incidental expenses of the State Entomologist, the sum of five hundred dollars per annum; for the improvement of the library, the sum of eight hundred dollars per annum; for the pay of assistants, the sum of sixteen hundred dollars per annum; for the publication of bulletins, the sum of three hundred dollars per annum; for the expenses of preparing and publishing one volume of a report on the zoölogy and botany of the State, the sum of twelve hundred dollars per annum: *Provided*, that no part of the above appropriations shall be used in any way to increase the salary or emoluments of the director of the laboratory, or of the State Entomologist.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid moneys, upon the order of the State Board of Education, signed by

the president and attested by the secretary of said board: *Provided*, that no part of the moneys herein appropriated shall be due and payable to the said institution, until satisfactory vouchers, in detail, approved by the Governor, have been filed with the Auditor for the expenditure of the last quarterly installment of appropriations herein or heretofore made.

§ 3. This act shall be and continue in force from the first day of July, A. D. 1883, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

APPROVED June 25, 1883.

ROBERT WILSON.

§ 1. Appropriates \$2,545.19 for services and expenses in surveying damaged lands on Illinois river.

AN ACT *making an appropriation to pay the claim of Robert Wilson, for his services and expenses as surveyor, appointed by the Commission of Claims of the State of Illinois, allowed by said commission.*

WHEREAS, the Commission of Claims, at its session in August, 1862, did, in pursuance of act approved May 30, 1881, appoint Robert Wilson, of Ottawa, Illinois, as surveyor to go upon lands claimed to have been damaged by overflow of Illinois river, occasioned by the dam at Copperas Creek, and to report notes and profiles for the information of said commission; and

WHEREAS, said Robert Wilson did act under said appointment and furnish said commission with the desired notes and profiles; and

WHEREAS, the sum of twenty-five hundred and forty-five dollars and nineteen cents (\$2,545.19) has been awarded to said Robert Wilson, by the Commission of Claims, for services of self and assistants, and expenses incurred as such surveyor; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated to the said Robert Wilson, the sum of twenty-five hundred and forty-five dollars and nineteen cents (\$2,545.19), for services and expenses of self and assistants, as surveyor, appointed by the Commission of Claims; said amount to be paid to said Robert Wilson, on warrant of the Auditor, out of any money in the Treasury not otherwise appropriated. Before the Auditor shall deliver to said Wilson his warrant for the moneys hereby appropriated, the said Wilson shall file with the Auditor an itemized statement of the amounts constituting said account, together with receipts from said Wilson's assistants.

APPROVED June 25, 1883.

ASSIGNMENTS.

VOLUNTARY—PREFERRED CLAIMS.

§ 1. Amends Section 6 of the Act of 1877 by making the wages of laborers or servants preferred claims.

AN ACT to amend section six (6) of an act entitled "*An act concerning voluntary assignments, and conferring jurisdiction therein upon county courts,*" approved May 22, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six (6) of an act entitled "*An act concerning voluntary assignments, and conferring jurisdiction therein upon county courts,*" approved May 22, 1877, in force July 1, 1877, be, and the same is, hereby so amended as to read as follows:

"Section 6. That at the first term of the said county court, after the expiration of the three months, as aforesaid, should no exception be made to the claim of any creditor, or, if exceptions have been made, and the same have been adjudicated and settled by the court, the said court shall order the assignee or assignees to make from time to time, fair and equal dividends (among the creditors), of the assets in his or their hands, in proportion to their claims, and as soon as may be, and within one year thereafter, to render a final account of said trust to said county court, and said court may allow such commissions and allowances to said assignee or assignees in the final settlement, as may be considered by the court to be just and right: *Provided, however,* that all claims for the wages of any laborer or servant, which have been earned within the term of three months next preceding the making of such assignment, and which have been filed within said term of three months after such assignment, and to which no exception has been made, or to which exceptions have been made, and the same have been adjudicated and settled by the court, shall, after the payment of the costs, commissions and expenses of assignment, be preferred, and first paid to the exclusion of all other demands and claims: *Provided, further,* that such claims for wages of any laborer or servant, shall recite upon their face that they are for such wages, and when exceptions are taken to such claims, the said court, in adjudicating and settling the same, shall find that the claim so adjudicated and settled is for wages of such laborer or servant."

APPROVED June 18, 1883.

BRIDGES.

PIER BOOMS.

§ 1. Bridges across the navigable portion of the Illinois river to be protected by pier booms.

AN ACT to compel the construction of bridge pier booms on all bridges over the navigable portion of the Illinois river.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That [on] all bridges now constructed or hereafter to be constructed over the navigable portion of the Illinois river, there shall be built and kept in good repair bridge pier booms, by the company or corporation owning and managing the said bridges, and within a reasonable time after the passage of this act or the construction of any bridge over said river as aforesaid; and said pier boom shall be constructed above the upper side of each pier contiguous to the channel of the river and shall commence at the point of said pier and be at least three hundred feet in length each; the piling used for said work shall be sufficient in length to be at least, when used, three feet above high-water mark, and be set sufficiently close together so that the current of water cannot pass through, under or between them, and be made solid so that a steamboat or other water-craft cannot bear against them in passing through without moving the same; and that said piling shall be weather-boarded with plank at least one and one-quarter inch in thickness, from the top to low-water mark, thus forming a solid wall. That the said work shall be constructed under the supervision of a competent engineer.

APPROVED June 16, 1883.

BUTTER AND CHEESE.

CO-OPERATIVE FACTORIES.

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| <p>§ 1. Factories doing business on the co-operative or dividend plan shall give bond to make report of business.</p> <p>§ 2. Suits on bond for damages sustained.</p> | <p>§ 3. Bond filed and recorded by the circuit clerk.</p> <p>§ 4. Penalties for violation of this act.</p> |
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AN ACT to require operators of butter and cheese factories on the co-operative plan to give bonds, and to prescribe penalties for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person or persons, company or corporation, within this State, to

operate, carry on, or conduct the business of manufacturing butter or cheese, on the co-operative or dividend plan, until such person or persons, company or corporation, shall have filed with the circuit clerk, or recorder of deeds of the county in which it is proposed to carry on such business, a good and sufficient bond, to be approved by such circuit clerk, or recorder of deeds, in the penal sum of six thousand dollars (\$6,000), with one or more good sureties, conditioned that such person or persons, company or corporation, proposing to carry on such business, will, on or before the first day of each month, make, acknowledge, subscribe and swear to a report in writing, showing the amount of products manufactured, the amount sold, the prices received therefor, and the dividends earned and declared for the third month preceding the month in which such report is made; and will file a copy of such report with the clerk of the town or precinct in which such factory is located; and will also keep publicly posted in a conspicuous place in such factory a copy of such report for the inspection of the patrons thereof, and that such dividends shall be promptly paid to the persons entitled thereto.

§ 2. Such bond shall run to the People of the State of Illinois, and shall be for the benefit and protection of all patrons of such factory; and suit may be had thereon by any person or persons injured by a breach of the conditions thereof, by an action of debt for the use of the person or persons interested, for all damages sustained by them.

§ 3. Such bond shall be recorded by the circuit clerk, or recorder, with whom the same is filed; and all such reports so filed with any town or precinct clerk, shall be preserved by him and held subject to the inspection of any person or persons interested.

§ 4. Any person who shall willfully violate any provisions of this act, shall be liable to a fine of not less than two hundred dollars (\$200), nor more than five hundred dollars (\$500), or imprisonment in the county jail for not less than thirty days, nor more than six months, or both, in the discretion of the court.

APPROVED June 18, 1883.

CEMETERIES.

CITIES AND VILLAGES MAY ESTABLISH JOINTLY.

§ 1. Amends section 1, act 1877, by striking out the word "purchase."

§ 2. Adds a new section authorizing cities, villages and townships to establish jointly.

AN ACT to amend an act entitled "*An act to enable cities and villages to establish and regulate cemeteries,*" approved March 24, 1874, amended by an act approved May 25, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That an act entitled "An act to*

enable cities and villages to establish and regulate cemeteries," approved March 24, 1874, amended by an act approved May 25, 1877, be, and the same is so amended, as to read as follows:

"Sec. 1. [Power of city or village to establish.] That any city, village or township in this State may establish and maintain cemeteries, within and without its corporate limits, and acquire lands therefor, by condemnation or otherwise, and may lay out lots of convenient size for families; and may sell lots for family burying ground, or to individuals for burial purposes.

"Sec. 2. [Power of two or more cities or villages to establish jointly.] That any two or more cities, villages or townships in this State may jointly unite in establishing and maintaining cemeteries within and without the corporate limits of either, and acquire lands therefor in common, by purchase, condemnation or otherwise, and may lay out lots of convenient size for families, and may sell lots for family burying ground or to individuals for burial purposes."

[§ 2.] Sec. 3. [Emergency.] Whereas the legislative authorities of certain cities in this State are desirous of uniting together immediately in establishing burial grounds or cemeteries under the provisions of the second section of this act, whereby an emergency exists, that this act should take effect without delay, therefore this act shall take effect and be in force from and after its passage.

APPROVED June 14, 1883.

CITIES AND VILLAGES.

MINORITY REPRESENTATION.

- § 1. Amends sec. 6, art. 4, act 1872, by adding the last proviso.
 § 2. Amends sec. 7, art. 4, act 1872, by providing for the manner of electing

- aldermen under the minority representation plan.
 § 3. Emergency.

AN ACT to amend sections six (6) and seven (7) of article four (4) of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections six (6) and seven (7) of article four (4) of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be amended so as to read as follows:

"Section 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time for adoption or rejection the question of minority representation in the city council or legislative authority of such city. At the said election the ballot shall be in the following form: 'For minority representation in the city council,' or 'against minority representation in the city council;' and at any subsequent time, on petition of the legal voters equal in number to one-eighth the

number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: *Provided*, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for equal representation in the city council, then the members of the city council, or legislative authority of such city, shall be thereafter elected in the following manner: The council, or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city by dividing the population thereof, as ascertained by the last federal census, by any number not less than two, nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain as near as practicable an equal number of inhabitants. *And provided, further*, that where said council or legislative authority of such city have not fixed a ratio of representation and formed the districts or wards, at the time above specified, the same may be done by any subsequent board of aldermen; but all official acts heretofore done, and ordinances heretofore passed by any board of aldermen elected at large by the legal electors of any such city on the minority representation plan, shall be held and taken by all courts in this State to be of as much validity and binding force as if they had been elected from wards or districts.

"Section 7. Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified. At the first general election for mayor, after the passage of this act, and every two years thereafter, there shall be elected in each ward as many aldermen as such ward shall be entitled to: *Provided*, that aldermen elected under this act, in wards wherein aldermen were elected for two years at the last previous annual election, shall not take their seats as such until the terms of the aldermen last aforesaid shall expire. Vacancies shall be filled at an election to be held by the voters of the district in which such vacancies shall occur, at the time to be designated by the city council. In all elections for aldermen aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same or equal parts thereof among the candidates, as he shall see fit, and the candidate highest in votes shall be declared elected."

§ 2. Whereas, the election for mayor, aldermen and other city officers, in cities organized under the general law, will take place before the first day of July; therefore an emergency exists, which makes it necessary that this act shall take effect on or before the third Tuesday of April, A. D. 1883, therefore this act shall take effect and be in force from and after its passage.

APPROVED April 11, 1883.

CONSERVATORS OF THE PEACE.

- § 1. Amends section 12, act of 1872, by conferring power upon policemen to serve warrants the same as constables, for violation of ordinances and all criminal warrants.

AN ACT to amend section 12 of article six (6) of an act entitled "*An act for the incorporation of cities and villages*," approved April 10, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 12 of article six (6) of an act entitled "*An act to provide for the incorporation of cities and villages*," approved April 10, 1872, be and is hereby amended so as to read as follows:

"Section 12. The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen in cities, if any such be appointed, shall be conservators of the peace, and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the State, commit for examination, and, if necessary, detain such persons in custody over night or Sunday in the watch house or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers as conservators of the peace as the city council or board of trustees may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of any such city or village by any policeman of such city or village; such policemen being hereby clothed with all the common law and statutory power of constables for such purposes."

APPROVED June 14, 1883.

DELINQUENT SPECIAL ASSESSMENTS.

- § 1. Amends section 40 of the act of 1872, by providing that application for judgment upon lands for unpaid special assessments shall be made at the time the annual application for judgment against lands for general taxes is made. Application for judgment shall be made only on lands returned delinquent April 1 in each year.

AN ACT to amend section 40 of article 9 of an act entitled "*An act to provide for the incorporation of cities and villages*," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 40, of article 9, of an act entitled "*An act to provide for the incorporation of cities and villages*," approved April 10, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:

"Section 40. When said general officer shall receive the report provided for in the preceding section, he shall proceed to obtain

judgment against said lots, parcels of land, and property, for said special assessments remaining due and unpaid, at the same time and in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and State; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this State, except when otherwise provided herein. No application for judgment against lands for unpaid special assessments shall be made at a time different from the annual application for judgment against lands, upon which general taxes remain due and unpaid. The application for judgment upon delinquent special assessments in each year, shall include only such special assessments as shall have been returned as delinquent to the county collector, on or before the first day of April, in the year in which such application is made."

APPROVED June 18, 1883.

POLICE AND FIREMEN'S RELIEF FUNDS.

§ 1. Amends section 1, act of 1877, by increasing the percentage of taxes to be paid in the fund.

AN ACT to amend section one of an act entitled "*An act for the relief of disabled members of the police and fire departments in cities and villages,*" approved May 24, 1877, in force July 1, 1877, as amended by act approved May 10, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an act entitled "*An act for the relief of disabled members of the police and fire departments in cities and villages,*" approved May 24, 1877, in force July 1, 1877, as amended by act approved May 10, 1879, in force July 1, 1879, be, and the same is hereby amended so as to read as follows:

"Section 1. That one-half of all the rates, taxes and license fees which are or may be hereafter required by law to be paid by corporations, companies or associations not incorporated under the laws of this State, engaged in any village or city in this State effecting fire insurance, and one-fourth of all moneys collected as a tax on dogs, where such city or village contains a population of 10,000 or more, has a regularly organized fire department by such city or village, and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service, and all fines recovered for violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the treasurer of the city or village to whom the same shall be paid, as a fund for the relief of disabled members of the police and fire departments of such city or village."

APPROVED June 23, 1883.

PROTECTION AGAINST INUNDATION AND OVERFLOW—IMPROVEMENT DISTRICTS.

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| <p>§ 1. Authorizes the formation of improvement districts, the establishing of grades therein, and the levy of taxes for the improvement thereof.</p> <p>§ 2. Requires surveys and plats of contemplated improvements and estimates of cost and benefits arising therefrom against each lot or block.</p> <p>§ 3. Bonds may be issued in payment of improvements.</p> | <p>§ 4. Assessments levied to create a fund for payment of principal and interest of bonds issued.</p> <p>§ 5. Railroad corporations shall be liable for improvements when tracks cross or occupy streets.</p> <p>§ 6. Property of minors and defective persons.</p> <p>§ 7. Powers hereby conferred may be put in force by ordinance.</p> <p>§ 8. Bondholders' remedy upon indorsers.</p> <p>§ 9. Emergency.</p> |
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AN ACT to divide cities and villages subject to overflow and inundation into improvement districts, and to provide ways and means to raise the streets, lots and blocks above the line of overflow.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Any city or village of this State incorporated under the general law for the incorporation of cities and villages, or under any special charter, the site of which is wholly or partially subject to overflow, and which site is or may be surrounded in whole or in part by levees, dykes or embankments to prevent overflow, may lay off such city or village, or any part thereof, into what shall be known or called improvement districts, and may fix the grade of the streets, avenues, alleys or public grounds within such improvement district or districts, at a height above the natural surface of the earth to correspond with the height of the levees, dykes or embankments surrounding or partially surrounding such city or village, or above if deemed necessary, in such manner and to such height as will give a surface drainage from such improvement district to the river or rivers which cause such overflow, and may require low lots, blocks, or parts of blocks or lots, within such improvement district, to be filled in such manner, as to prevent water from standing thereon, and so as to prevent the same from becoming a nuisance or injurious to the public health, in the judgment of the corporate authorities of such city or village. The work hereby authorized shall be done by special assessment or special taxation, and all the power in relation to special assessments or special taxation heretofore granted to any city or village in this State, or to any drainage or improvement district in this State, is hereby granted to such cities and villages under this act.

§ 2. When any such improvement district shall be created by ordinance under this act, it shall be the duty of the corporate authorities to cause an accurate survey of the work contemplated to be done or made, to be made by a competent civil engineer, and cause plats, profiles, and estimates of the work to be done, including the cost of all walls or other structures necessary to be built or constructed to hold the earth to its proper place, and the cost of the work opposite to, or adjacent to each lot in such district and the cost of the fill upon each and every lot within such district necessary to be filled to be used in estimating the benefits to be charged against the lot or block, or parts thereof, within such

improvement district; and in estimating such benefits it shall be proper to take into consideration the benefit any such lot, block or parts thereof will receive by reason of being secured from overflow, or sipe water.

§ 3. When any such improvement district or districts has or have been laid out and defined by any such city or village, and the cost of the improvement estimated and ascertained by a competent engineer, and the benefits to the lots, blocks or parts thereof have been assessed, then such city or village may cause a series of bonds to be issued, sufficient to pay the special assessments, or special tax, so ascertained for such district, and which bonds when so issued and endorsed as hereinafter provided for, shall be a lien upon the lots, blocks or parts thereof which shall be designated in such bond or bonds, such bond or bonds to bear interest at a rate not exceeding six per cent., and may run for any term not exceeding twenty years, the style of the bond to be fixed and designated by ordinance; but before any bond shall issue, or be put in circulation, the owner or owners of any such lot or lots to be charged with such special assessment or assessments, or special tax, shall indorse upon the back of such bond or bonds his or her consent thereto, in words in substance as follows:

"I hereby indorse the within bond, and consent that the lot or lots, or parts thereof therein designated, shall become liable for the interest and principal therein named, and the same shall be a lien upon said property from this date until paid off and discharged.

This day of 188..
 [SEAL.]"

Said bond, when prepared and executed by such city or village, and endorsed by the owner or owners of the property to be charged with the special assessment or special tax, shall be recorded in the recorder's office of the county in which such city or village is located, and when so recorded such record shall be notice of the lien thereby created, to the same extent that records of mortgages are notices of the mortgage lien, and shall have the same force and effect. No coupon need be recorded; the face of the bond and indorsement shall be sufficient.

§ 4. It shall be the duty of any city or village, issuing bonds under this act, to provide by ordinance for the collection of the interest and principal of such bonds from the property so charged with the special assessment or special tax, and shall be placed upon the tax books in the same manner that special assessments or special taxes now are, for collection, and shall be treated in the same manner, and have the same effect as special assessments or special tax now have under the statute, and such city or village shall not be liable for the interest or principal of any such bond or bonds, out of any fund except the special fund of the improvement district to which the bond or bonds apply, and for the faithful enforcement of the ordinances providing for the collection of the interest and principal thereof.

§ 5. If any steam or horse railroad shall be located upon or across any street in any such improvement district, then, in estimating the cost of the work, such railroad shall be charged with the fill upon such street or crossing in the proportion or amount that it would

require or cost such railroad to make an independent embankment of the same height to receive its track or tracks upon such street or crossing: *Provided*, that any such railroad shall have the same right to build its embankment, or make its proportion of the improvement, as is allowed to individuals. If any such steam or horse railroad shall fail or refuse to comply with the ordinances of any such city or village, in this regard, the track or tracks of any such delinquent railroad shall be taken and deemed to be a nuisance, and all rights of any such railroad upon any such street or crossing shall be forfeited, and the rails and ties removed as the work progresses.

§ 6. If any property within any improvement district created under this act, shall belong to minor heirs, idiots, lunatics, or any person otherwise incapacitated to contract, the guardian, conservator, or other person in charge of any such estate, may apply to the circuit court of the county in which such city or village is located, by petition, for leave to indorse such bond or bonds, and when indorsed by order of the court, such indorsement shall have full force and effect in law.

§ 7. All the powers hereby granted to the corporate authorities of such cities and villages, may be put into full force and effect by proper ordinances, and the powers hereby granted shall be liberally construed by all courts in this State, in order that full force and effect shall be given to this act.

§ 8. The owner or holder of any such bond may, in addition to the powers hereby given to the cities or villages, under this act, to collect the interest and principal, have his or her personal remedy in any court upon the indorser upon his indorsement, for failure to pay interest or principal, and in case of two successive failures by any person liable to pay the interest on any such bond, such bond shall be held to be due, and the holder may enforce his lien for interest and principal by foreclosure in any court of this State of competent jurisdiction.

§ 9. Whereas there are cities and villages in this State that are subject to overflow, and have suffered severely by the recent floods and inundations, and the best time for successful work in filling is in the spring months, therefore an emergency exists, and this act shall take effect and be in force, from and after its passage.

APPROVED May 29, 1883.

PROTECTION OF SITES AGAINST INUNDATION AND OVERFLOW AND TO CONTROL
PRIVATE LEVEES.

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| <p>§ 1. Authorize the construction of levees, dykes and embankments.</p> <p>§ 2. May enter upon and take possession of lands by condemnation.</p> <p>§ 3. Authorities may order private levees to be repaired or improved.</p> <p>§ 4. In case owners neglect or refuse to repair private levees, may be improved by municipal authorities.</p> <p>§ 5. Materials for improvement may be taken from adjacent lands.</p> <p>§ 6. Cost of repairs and improvements may be charged to owners and become a lien.</p> <p>§ 7. How lien may be enforced by sale of levee.</p> <p>§ 8. Municipal authorities may purchase at sale.</p> | <p>§ 9. Expenses by municipal authorities heretofore incurred—how recovered.</p> <p>§ 10. Wharfage charges by owners of private levees on navigable streams.</p> <p>§ 11. Filling in the low places and stagnant pools.</p> <p>§ 12. Owners or their assigns, of levees, liable for damages arising from neglect to keep in repair such levees.</p> <p>§ 13. The grade of all lots and blocks liable to overflow may be established by municipal authorities, and such lots and blocks must be filled up to grade.</p> <p>§ 14. Emergency.</p> |
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AN ACT to authorize cities, towns and villages to protect the site thereof from overflow and inundation, and to regulate and control private levees, private wharves and landing places, or embankments, and to compel the repairs and improvement of such levees or embankments, and to cause low lots, blocks or parcels of land within the corporate limits to be filled so as to prevent standing water thereon, and to authorize cities, towns and villages to purchase or condemn lands, sand banks, gravel pits, and rock quarries, for any of the purposes above named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all cities, towns and villages in this State, whether incorporated under the general incorporation act for cities, towns and villages, or under any special charter, that are subject to overflow or inundation, shall have power to protect the site of such city, town or village from overflow or inundation by levees, dykes, or embankments of such height and dimensions as the corporate authorities of such city, town or village may deem proper.

§ 2. Such city, town or village may purchase or enter upon and condemn lands for the location and construction of any such levee, or for the repairs of any levee, or dyke now built, or surrounding any such city, town or village, in the same manner that lands and right of way is now condemned for railroad purposes.

§ 3. In all instances where any city, town or village in this State is now, or shall hereafter be surrounded in whole or in part by any levee, dyke, embankment or other structure, which is used or permitted to be used as a protection to any such city, town or village from overflow and inundation, and which is owned or claimed, in whole or in part, by any individual, private corporation or trust company, and whose duty it is in law or equity to keep up and maintain such levee, dyke, embankment or other structure, and the same shall be found to be insufficient in width or height, or too steep of grade, or which shall become impaired by wash or abrasion of the rivers, by caving banks, by impairment of the base or surface of the slope, or any other injury that may happen to any such levee, dyke, embankment or other structure, that, in the

judgment of the city council, or board of trustees, or other municipal authorities of any such city, town or village, shall become unsafe or insecure for the purpose for which it was erected or used, and the party whose duty it is in law or equity to protect, maintain, and keep in repair such levees, embankments or dykes, shall not repair, enlarge, or heighten the same, as the case shall demand, it shall be the duty of the city council, or board of trustees of any such city, town or village, to cause notice to be served upon the owner or person in charge of any such levee, dyke, embankment or structure, or any agent of any such owner or person in charge thereof, of the condition, impairment or insufficiency of any such levee, dyke, embankment or other structure, and that the same must be repaired or improved as directed in said notice.

§ 4. If the owner, or agent or person in possession of any levee, dyke, embankment or other structure, shall not, within ten days from the date of service of any such notice, in good faith commence the work so to be done, and continue the same with all reasonable diligence until it is completed, any such city, town or village may declare such levee a nuisance, and proceed to repair or improve the same so as to make such levee, dyke or embankment secure and sufficient for the purposes for which it was intended or used.

§ 5. For the purpose of making any such repairs or improvement, any such city, town or village may enter upon any of the adjacent lands of the owner of any such levee, dyke or embankment and take therefrom any earth, sand, stone or other material for the purpose of making such improvement or repairs, without being liable for trespass or the value thereof.

§ 6. All such work done upon any such levee, dyke or embankment, by any city, town or village, shall be charged up to the party liable therefor, and shall be a lien upon any such levee, dyke or embankment, and any connecting levee, dyke or embankment which forms a part of the system of levee protection intended for such city, town or village, belonging to the party so liable, notwithstanding the lines of levees may be disconnected by intervening owner-ships.

§ 7. If the expense incurred by any such city, town or village is not paid by such owner or person liable, within twenty days of the presentation of the bill therefor by the city, town or village clerk, when directed by the city council or board of trustees, then such city, town or village may enforce the lien hereby created in any court of competent jurisdiction, in the same manner as mechanics' liens are now enforced under the statute of this State, provided the sales under the decree for sale of any such levee, dyke or embankment shall be absolute and without redemption.

§ 8. Any such city, town or village may become purchaser at any such sale, and when so purchased, the city, town or village may take immediate possession thereof, and use, own and contract as to the same in the same manner as if it had been originally built by the city, but if purchased by any other person or corporation, then such levee or embankment shall be subject to this statute in the same manner as it was in the hands of the original owner.

§ 9. Where any city, town or village has heretofore built or repaired any part of any levee, dyke or embankment, when the original levee or embankment had been destroyed, or become insecure by the wash or abrasion of the rivers or the caving in of the banks, and the part so built or repaired formed a part of a system of levees surrounding any such city, town or village for the purposes mentioned in this act, and the same is, or was, owned and controlled by any person, or corporation or trustee, and such system of levees, dykes or embankments was originally intended by the builder or builders, and was necessary, as a protection to the site of any such city, town or village, and it was, at the time of the making of the improvements mentioned in this section, the duty of any such owner, either in law or equity, to maintain and keep in repair such system of levees or embankments, and that at the time of making such improvement or repairs there appeared to be an emergency for the performance of such work, then any such city, town or village may have its action to recover back what it has expended in that regard, and may file its bill or petition as in case of mechanics' lien, and the amount so expended shall be a lien upon the whole of such levee system belonging to the party so defaulting at the time of the filing of such bill, from the date of the filing of any such bill or petition, and it shall be no answer or defense that any such city, town or village made such expenditure, or did such work as was done, without authority of law, or the owners of the original levee.

§ 10. Whenever the site of any city, town or village in this State is or has been located upon any of the navigable waters of this State or any of the navigable waters bordering this State, and the site thereof has been surrounded by levees or embankments to prevent overflow or inundation, and such levees are owned or controlled by private persons, corporations or trustees, and any part of such levee or embankment has been by the owner or owners thereof set apart for a landing place for vessels and water craft, and the place so set apart for a landing place has been used by the public free of charge, by footmen, or for wagons, drays and other vehicles conveying persons or property to and from said landing for a term of twenty years or more, and the owner thereof claims the right to collect wharfage, tolls or a reasonable compensation for the landing of steamboats or other water craft at any such landing place, then any such city, town or village may, by ordinance, determine the slope or grade of any such levee so used for public landing purposes, and the pavement thereof, and the rate of toll or compensation to be charged at such landing. It shall be the duty of the owner thereof to grade, pave and keep such slope in repair as directed by ordinance, and may enforce the same by proper penalties, or forfeitures of any right to collect wharfage at any such landing until the ordinances in that regard have been complied with, and may enforce the powers herein granted, by proper ordinances.

§ 11. Any city, town or village in this State wherein there are lots, blocks, or places wherein stagnant water is liable to stand, from surface water, or sipe water, or overflow, so that the same

becomes a nuisance, or is dangerous to the public health of any such city, town or village, the corporate authorities thereof may declare such lots, blocks or places of land to be nuisances, and order the same filled to grade, or to such height as will prevent such standing water; and for the purpose of filling any such lots, blocks or places, such city, town or village may purchase or condemn lands, sand banks, or gravel, in the same manner as in other cases under this act.

§ 12. In all cases where any person or persons, trustees, company or corporation, has heretofore, or shall hereafter lay out any city, town or village within this State, the site whereof is liable to overflow, and is surrounded in whole, or in part, by a levee or embankment, and the owner or proprietors of the site of such city, town or village shall, or shall have, in laying out and platting the same, reserve or reserved, retain or retained, as private property, a strip or strips of land surrounding the site thereof, for the purpose of building such levees or embankments thereon, and shall actually build such levees or embankments; and such persons or owners so laying out such city, town or village as aforesaid, shall, after the building of such levees or embankments to protect the site of any such city, town or village from overflow, sell, lease or convey by quit claim or deed in fee, or otherwise, any lots, blocks or lands within the district or territory surrounded by such levees or embankments, it shall, from thenceforward, become the duty of any such owner or person and their agents, representatives or assigns, to keep and maintain in good repair such levees and embankments, and upon their failure so to do such persons, owners or assigns shall be liable to the owner or owners of any lots, blocks or lands lying within such levees, whether held by the original purchaser or his assigns, and such persons or owners of such levees or embankments shall be liable in damages to the owners of any personal property that may be injured by the giving away or insufficiency of any such levees or embankments, and may have their action on the case for any damage they may suffer by reason of the insufficiency, impairment or giving away of any such levees or embankment; or any number of such owners of lots, blocks or land, and owners of personal property damaged as aforesaid, may join in a petition to any court of record of competent jurisdiction in this State for redress of grievances under this section, setting forth the claims of each, and the aggregate of such claims; and such claims shall be a lien upon such levees or embankments, and all the unsold lands or lots of the proprietors of such city, town or village within such levee inclosure, from the date of the filing of such petition; and the proceeding shall be the same as in mechanics' lien.

§ 13. In any city, village or town in this State wherein there are lots, blocks or parcels of land within the district or districts where the grade shall have been established and fixed as provided for in section 11, below such grade whereon water is liable to drain or accumulate from such drainage, or from rains or sipe water, and stand thereon, thereby endangering the public health, it shall be lawful for the city council in cities, and the board of trustees in towns and villages, by ordinance, to declare all such lots, blocks or

parcels of land, a public nuisance, and order notice to be served on the owner or owners of such lots, blocks or parcels of land so declared to be a public nuisance, to fill the same to the grade established for such streets under the provisions of section 11, within ten days. In case the owner or owners reside without this State, such notice may be served on their agent or agents, if such reside in this State, and if neither the agent nor owner resides in this State, then such notice may be given by publication for twenty days in a newspaper published in the city, town or village; and the specified time for the performance of such work shall begin to run from the date of the last publication. In case the owner or owners of any such lot, block or parcel of land shall fail to comply with the said order, and fill the same within the time allowed for the doing thereof, it shall be lawful for the city, town or village to do said filling at the least possible cost, and the expense thereof shall be a first lien in favor of such city, town or village upon the entire interest of the owner or owners in said lot, block or parcel of land; and for the purpose of enforcing said lien, any city, town or village may file its petition in the circuit court of the county where such city, town or village is situated, which court is hereby given exclusive jurisdiction thereof, stating the passage of the ordinance declaring such lot a nuisance, the giving of the notice aforesaid, the failure of the owner or owners to comply therewith, the expense incurred by the city, town or village in filling the same, and on proof thereof, and that the owner has been notified of the pendency of the proceedings, in the same manner as now provided by law for notifying defendants of the pendency of chancery causes, the court shall decree the payment of such sum with interest and costs within twenty days, and that such city, town or village have a lien on the lot, etc., therefor, and also that said lot, etc., be sold in the manner and by the officer designated by the court, on failure to pay said sum found due with interest and costs, without redemption, and the court shall direct a deed to be made to the purchaser by the officer so making the sale, which shall vest in the purchaser all the right, title and interest of the owner or owners of any such lot, block or parcel of land. Any mortgagee of any such lot, block or parcel of land shall be taken and considered an owner thereof within the meaning of this act.

§ 14. Whereas, the unprecedented high waters of the Ohio river and its tributaries has occasioned great injury to many levees and embankments, and the work of repairs and improvements should commence as soon as the high water recedes: therefore, an emergency exists, and this act shall take effect, and be in force, from and after its passage.

APPROVED May 19, 1883.

SEWERAGE AND WATER TAXES.

- § 1. Authorizes a "Sewerage tax fund"—rate of tax.
§ 2. Authorizes a "Water tax fund"—rate of tax. Authorizes taxes to be levied for lighting cities; taxes in the aggregate not to be increased.

- § 3. Repeals act 1871 in relation to levy of taxes for sewerage and water purposes.

AN ACT in relation to the levy and collection of taxes for sewerage and water-works in cities of this State, that may have established a system of sewerage and water-works for such city, and to repeal an act therein named, and to authorize the cities, villages and incorporated towns of this State to levy and collect taxes to pay for water and light.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the legislative authority of any city which now has, or may hereafter have established a system of sewerage for such city, shall have power, annually, to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose: *Provided, further,* that a two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city.

§ 2. The legislative authority of any city which now has, or which may hereafter have, established or hired water-works for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, whether organized under a special charter or the general law, not to exceed one mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water-works, or to the creation of a sinking fund to be applied to the establishment of water-works, which tax shall be known as the "Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided,* that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water-works will be insufficient therefor: *Provided, further,* that two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city: *And, provided, further,* that the legislative authority of each of the cities, villages and incorporated towns in this State, with

the concurrence of two-thirds of the members thereof, shall be authorized to levy and collect, annually, upon the taxable property within its limits, in addition to all other taxes now authorized by law, a tax of not exceeding three mills on the dollar of such taxable property, to be used exclusively for the purpose of lighting streets, and a further tax of not exceeding two mills on the dollar of such taxable property, to be used exclusively for the purpose of supplying water to such city, village or incorporated town: *Provided, also,* that nothing in this act shall be so construed as to increase the amount of aggregate taxes that may be levied in any one year by any city or village as provided in section one (1) of article VIII of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

§ 3. An act entitled "An act in relation to the levy and collection of taxes for sewerage and water-works in the cities of this State, that may have established a system of sewerage and water-works for such city," approved and in force April 22, 1871, is hereby repealed.

APPROVED June 21, 1883.

CLERKS OF COURTS.

APPELLATE AND SUPREME.

§ 1. Clerks of Supreme and Appellate Courts authorized to enter motions at request of attorneys.

AN ACT to authorize the clerks of the Supreme and Appellate Courts to enter motions in said courts in behalf of attorneys.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the clerks of the Supreme and Appellate Courts are hereby authorized to enter in any cause pending in either of said courts, any motion that either or any attorney of record in such cause is authorized by law to enter in the absence of any such attorney, when requested to do so by said attorney, or for the admission of any attorney to practice in either of said courts: *Provided,* said clerks shall receive no fee for making said motions.

APPROVED June 18, 1883.

CONVEYANCES.

PROOF OF DEEDS AND OTHER INSTRUMENTS IN WRITING.

§ 1. Provides for proving deeds and other instruments in writing attested by subscribing witnesses, by secondary evidence, in the absence of such subscribing witnesses.

AN ACT in regard to proof of deeds and other instruments in writing when attested by subscribing witnesses.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any deed, mortgage, conveyance, release, power of attorney, or other writing of, or relating to the sale, conveyance or other disposition of real estate, or any interest therein, or any other instrument in writing not required by law to be attested by a subscribing witness, may be offered in evidence in any civil cause pending in any court of law or equity in this State, and the same shall appear to have been so attested, and it shall become necessary to prove the execution of any such deed or other writing otherwise than as now provided by law, it shall not be necessary to prove the execution of the same by a subscribing witness to the exclusion of other evidence, but the execution of such instrument may be proved by secondary evidence without producing or accounting for the absence of the subscribing witness or witnesses.

APPROVED June 18, 1883.

COUNTY TREASURER.

VACANCIES, HOW FILLED.

§ 1. Amends section 15 of an act in relation to county treasurers,—filling vacancies caused by death or resignation.

§ 2. Emergency.

AN ACT to amend section fifteen (15) of an act entitled “An act to revise the law in relation to county treasurer,” approved February 25, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section fifteen (15) of an act entitled “An act to revise the law in relation to county treasurer,” approved February 25, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

“Sec. 15. If any county treasurer shall neglect or refuse to render an account, or make settlement at any time when required by law, or by the county board, or refuse to answer any question propounded to him by the county board, or is a defaulter, and in arrears with the county, or is guilty of any other misconduct in his

office, the county board may remove him from office, and may appoint some suitable person to perform the duties of treasurer until his successor is elected, or appointed and qualified; or if, by reason of the death or resignation of the county treasurer, or other cause, the said office shall become vacant, then the county board may appoint some suitable person to perform the duties of treasurer, until a county treasurer is elected, or appointed and qualified. The person so appointed shall give bond and security, as required by law of the county treasurer."

§ 2. Whereas, there is no provision in the law concerning the office of county treasurer, authorizing the filling of a vacancy in said office on the death or resignation of said officer, until the election or qualification of his successor, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED March 9, 1883.

COURTS.

COUNTY.

§ 1. Amends section 109½ by permitting adjournment of regular terms when the business of the term has been disposed of, until the first day of the next probate term.

AN ACT to amend an act entitled "*An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one hundred and nine and a half (109½) of an act entitled "*An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, be and is hereby amended to read as follows:

"Section 109½. The court shall continue open from day to day until all the business before it is disposed of; but whenever the disposition of business before it requires its adjournment for a longer period than one day at a time, it may adjourn its regular term to any day not beyond the first day of the next probate term of said court."

APPROVED June 18, 1883.

§ 1. Amends certain sections of the act of 1874, changing the terms in certain counties.

AN ACT to amend sections twenty, twenty-six, forty-four, forty-seven, fifty-eight, sixty-seven, seventy and eighty-seven, of an act entitled "An act to extend the jurisdiction of county courts and to regulate the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections twenty, twenty-six, forty-seven, fifty-eight, sixty-seven, seventy and eighty-seven, of an act entitled "An act to extend the jurisdiction of county courts and to regulate the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, be, and the same is hereby amended so as to read as follows:

"Sec. 20. Clark, in January, June and October.

"Sec. 26. Cumberland, in November and May.

"Sec. 44. Henderson, in February and October.

"Sec. 47. Jackson, in February, May and November.

"Sec. 58. LaSalle on the first Monday of January, first Monday of March, second Monday of May, first Monday of September and first Monday of November.

"Sec. 67. Macoupin, in April and December.

"Sec. 70. Marshall, on the third Mondays in April, August and November.

"Sec. 87. Randolph, in May and December."

APPROVED June 23, 1883.

§ 1. Amends act 1874 changing terms in Fulton, Mercer and Warren counties.

AN ACT to amend sections thirty-seven, seventy-four and one hundred and one of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections thirty-seven (37), seventy-four (74) and one hundred and one (101) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same and to repeal an act therein named," approved March 26, 1874, be amended to read as follows:

"Sec. 37. Fulton, second Mondays in May and October.

"Sec. 74. Mercer, in January, May and October.

"Sec. 101. Warren, in February and October."

APPROVED May 23, 1883.

§ 1. Amends the act of 1874, changing terms in Hancock county.

AN ACT to amend section forty-two (42) of "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section forty-two (42) of "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, be amended so as to read as follows:

"Section 42. Hancock in April, August, and December."

APPROVED May 23, 1883.

§ 1. Amends section 50, act 1874—Terms in Jersey county. | § 2. Emergency.

AN ACT to amend section fifty (50) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section fifty (50) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof; to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, be amended so as to read as follows:

"Section 50. Jersey, in May and December."

§ 2. All summonses, subpoenas, writs, bonds, recognizances, venires, papers and processes of any kind whatever, made and served for or returnable to the several terms of court, at such times as said terms are required to be held by the law in force immediately prior to the time this act shall take effect, shall be deemed and taken, and shall have the same force and effect, as if the same had been made and served for or returnable to the first term of court to be held in said county as fixed by this act; and no action, suit, cause or proceeding now pending in any of the county courts shall be abated by force of the provisions of this act.

§ 3. Whereas in consequence of the condition of the legal business of said county of Jersey, a term of said county court is required in the month of May, A. D. 1883, and an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED March 30, 1883.

PROBATE.

§ 1. Authorizes county judges, in the absence, vacancy or disability of probate judges, to hold probate court.

AN ACT to authorize county judges to perform the duties of judges of probate courts in certain cases.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in case of the absence, death, resignation, or inability to act, of the judge of the probate court of any county, any county judge may hold such probate court, and perform all the duties of the judge thereof, until the return of such judge, the appointment or election of his successor, or until the disability to act ceases.

APPROVED May 23, 1883.

CORPORATIONS.

NOT FOR PECUNIARY PROFIT.

§ 1. Amends section 31 by permitting co-operative Benevolent Insurance Associations to pay benefits for permanent disability of members.

AN ACT to amend section thirty-one (31) of an act entitled "An act concerning corporations," approved April 18, 1872, in force July 1, 1872," as amended by act approved and in force March 28, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirty-one (31) of an act entitled "An act concerning corporations," approved April 18, 1872, in force July 1, 1872, as amended by act approved and in force March 28, 1874, be amended so as to read as follows, to-wit:

"Sec. 31. Corporations, associations and societies not for pecuniary profit, formed under this act, shall be bodies corporate and politic, by the name stated in such certificate; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; may have power to make and enforce contracts in relation to the legitimate business of their corporation, society or association; may have and use a common seal, and may change or alter the same at pleasure, and they and their successors, by their corporate name, shall, in law, be capable of taking, purchasing, holding and disposing of real and personal estate for purposes of their organization; may make by-laws not inconsistent with the constitution and laws of this State, or of the United States, in which by-laws shall be described the duties of all officers of the corporation, society or association, and the qualification of members thereof. Associations and societies

which are intended to benefit the widows, orphans, heirs and devisees of deceased members thereof, and members who have received a permanent disability, and where no annual dues or premiums are required, and where the members shall receive no money as profit or otherwise, except for permanent disability, shall not be deemed insurance companies."

APPROVED May 22, 1883.

CRIMINAL CODE.

MALICIOUS MISCHIEF.

§ 1. Amends Sec. 197 of the criminal code by increasing the penalty under this section from \$300 to \$500, and make it the same offense to "incite" the drawing off of the water in any canal, pond or reservoir as the act itself.

AN ACT to amend section 197 of an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one hundred and ninety-seven (§ 197) of Division I of an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874, be so amended as to read as follows:

"§ 197. Whoever willfully and maliciously injures, removes or destroys any canal, levee, dam, reservoir, trench or their appurtenances, or the gear or machinery of any manufactory or mill; draws off, or incites or procures to be drawn off the water from any mill pond, reservoir, canal or trench, whereby any water power is injured or the use thereof is restricted or impaired, or so as to injure, damage or destroy any ice upon any waters in this State, or diminish the value or prevent or hinder the taking and removal thereof as an article of merchandise; destroys or injures any engine or its apparatus for the extinguishment of fires, or any posts, glass caps, wires or other materials used in the construction or operation of any telegraph; removes, injures or destroys any public or toll bridge, or places any obstruction on such bridge or on any public road, with intent to injure any persons or property passing thereon, shall be fined not exceeding five hundred dollars, or confined in the county jail not exceeding one year, or both."

APPROVED June 23, 1883.

§ 1. Amends the act of 1874, by adding another section providing penalties for damaging or destroying ice forming or formed, rendering unfit for merchandise.

AN ACT to amend an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874, be, and the same is hereby amended by adding the following section:

"§ 273. Whoever willfully and maliciously injures, mars, floods or otherwise damages or destroys any ice forming, formed or being upon any waters within this State from which ice is or may be taken as an article of merchandise, whereby the taking thereof is hindered or the value thereof diminished for that purpose, or whoever willfully and maliciously incites or procures another so to do, shall be fined not exceeding \$500, or confined in the county jail not exceeding one year, or both, according to the nature and aggravation of the offense."

APPROVED June 18, 1883.

CONVICTION UPON SECOND AND THIRD OFFENSES.

§ 1. Penalties for conviction of crime upon the second and third offenses, for the same offense.

§ 2. Copy of record of former conviction evidence in such trials.

AN ACT in relation to the punishment of criminals.

SECTION 1. *Be it enacted by the People of the State of Illinois; represented in the General Assembly:* That whenever any person having been convicted of either of the crimes of burglary, grand larceny, horse-stealing, robbery, forgery, or counterfeiting, shall thereafter be convicted of any one of such crimes, committed after such first conviction, the punishment shall be imprisonment in the penitentiary for the full term provided by law for such crime at the time of such last conviction therefor; and whenever any such person, having been so convicted the second time as above provided, shall be again convicted of any of said crimes, committed after said second conviction, the punishment shall be imprisonment in the penitentiary for a period not less than fifteen years: *Provided*, that such former conviction or convictions, and judgment or judgments, shall be set forth in apt words in the indictment.

§ 2. On any trial for any of said offenses, a duly authenticated copy of the record of a former conviction and judgment of any court of record, for either of said crimes against the party indicted, shall be *prima facie* evidence of such former conviction, and may be used in evidence against such party.

APPROVED June 23, 1883.

DRAINAGE.

DISTRICTS LEGALIZED.

- § 1. Legalizes drainage districts organized under the act of 1879.
 § 2. Legalizes assessments in said districts.

- § 3. Provides for sale of delinquent lands and authorizes districts to become purchasers of lands at such sales.
 § 4. Emergency.

AN ACT to legalize drainage districts, organized in pursuance of the act hereinafter mentioned, and to legalize the assessments of benefits in such districts and certain sales made in pursuance thereof, and to authorize drainage districts to purchase lands at certain sales for delinquent special assessments.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all drainage districts organized under the provisions of an act of the General Assembly, entitled "An act to provide for the construction, reparation and protection of drains, ditches, and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, for the repair and maintenance of any levee or levees constructed under any law of the State of Illinois, passed prior to the first day of January, 1879, be and the same are hereby legalized, and all such districts shall be held to have been and to be legally organized under the laws of the State.

§ 2. That all special assessments made in any drainage district organized as aforesaid, and under the act of the General Assembly aforesaid, for the repair and maintenance of any levee or levees constructed as aforesaid, be and the same are hereby in all things legalized; and all such assessments, whether made to repair any such levee or levees, or to keep the same in repair and meet the annual expenses of keeping said levee or levees in repair, shall be held and construed to have been legally and regularly made and assessed.

§ 3. When a return to the county collector has been made, or shall hereafter be made, of any real estate located in any drainage district established under the act of the General Assembly named in the first section of this act, delinquent for any special assessment or annual installment thereof, or any annual assessment levied by any drainage district pursuant to law, which assessment or installment thereof or annual assessment is required by law to be included in the advertisement and notice of application for judgment for State and county taxes, and when any such return, advertisement and notice shall be followed by a sale of such delinquent real estate for the collection in whole or in part of any such assessment, installment thereof or annual assessment returned as aforesaid, the drainage district in which such real estate is situate may become the purchaser at such sale, and may designate and appoint some officer or person to attend and bid at such sale in its behalf: *Provided*, the county collector shall not be required to make demand for the

payment of any such special assessment, installment thereof or annual assessment after the same has been returned to him: *And, provided, also*, it shall not be necessary for any drainage district which has become the purchaser at any such sale to protect the same from subsequent forfeiture and sale as required of purchasers in section 211 of the revenue laws of the State; and all such sales of delinquent lands heretofore made under the act aforesaid, where any drainage district has become the purchaser, are hereby legalized and declared valid sales.

§ 4. Whereas, some question exists as to the regularity and legality of the organization of certain drainage districts, and certain assessments made under the act of the General Assembly aforesaid, therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 29, 1883.

DRAINS BY LAND OWNERS.

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| § 1. Land owners may construct drains for agricultural purposes. | § 7. Construction or abandonment of drain after judgment. |
| § 2. Open or covered drain. | § 8. Bond for costs. |
| § 3. Agreement of owners as to construction, repair and vacation. | § 9. Plat of land filed before commencing suit. |
| § 4. Tile drains upon lands of others. | § 10. Obstructing or injuring ditch or drain. |
| § 5. Proceedings when land owners will not give consent. | § 11. This act shall not operate to repeal any law. |
| § 6. Damages allowed—judgment—costs. | |

AN ACT to permit owners of land to construct drains for agricultural purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the owner or owners of land in this State shall be permitted to construct drains for agricultural purposes, only, into any natural water-course, or any natural depression whereby the water will be carried into any natural water-course, or any drain on a public highway, if the road commissioners consent thereto, for the purpose of securing proper drainage to such land, without being liable in damages therefor to any other person or persons or corporation.

§ 2. If the drain constructed is wholly upon the land owned by the person or persons constructing the same, it may be either an open or covered drain, as they desire.

§ 3. If the drain to be constructed shall lead across, or upon, the land of any other person or persons, and the owners of all the land upon which it is to be constructed can agree, it may be constructed in such manner as they may decide; when constructed, such drain shall forever thereafter be kept open and in proper repair, by the owner or owners of the land upon which the same, or any part thereof, is located, unless the owners of all the land upon which the drain is located shall agree to vacate or close the same.

§ 4. If the drain shall be constructed on, or over the land of any other person or persons, without the consent of the owner or owners thereof, it shall consist of tile, or some other material equally as good, and placed at a sufficient depth to secure from the action of frost thereon, and the surface of the land left, as near as possible, in the same condition as before the entry thereon to construct such drain.

§ 5. If the owner or owners of land, over which any other person or persons desire to drain, shall not consent thereto, the person or persons desiring to drain may cause a summons to issue from any justice of the peace in the county, in the same form, and returnable in the same manner, as other summons in civil suits, and proceedings shall be had thereon as in other civil causes before justices of the peace: *Provided*, if the owner or owners of such land do not reside in said county, or cannot be found therein, summons may be served by leaving a copy with the person or persons in possession or control of such premises.

§ 6. The justice, or jury if a jury is impaneled, shall hear the evidence, and if they find such drain, if constructed in the manner proposed, would not empty into a natural water-course or natural depression, whereby the water would be carried into any natural water-course or any drain on a public highway, by consent of the road commissioners, they shall find for the defendant; if they find such drain, if constructed, would empty into a natural water-course or natural depression, whereby the water would be carried into any natural water-course or any drain on a public highway, by consent of the road commissioners, they shall find for the plaintiff or plaintiffs, and shall allow the defendant or defendants such actual damages, only, as will be sustained by entering upon the land and constructing such drain. The judgment shall be final and conclusive between the parties.

§ 7. If, after judgment, the plaintiff or plaintiffs in such suit shall deem it best not to construct such drain, they may so state upon the docket of the justice, at the foot of such judgment, and pay all costs of such trial; but shall not again be permitted to commence a suit for the same purpose. If they desire to construct such drain, they shall first pay to the justice the judgment and costs taxed against them, and may thereupon enter upon such premises and construct such drain, and may thereafter, at all times, in proper season, enter upon said land for the purpose of repairing such drain; this right shall pass to the heirs or assigns of such land: *Provided*, that if the person or persons constructing such drain, or repairing the same, shall unnecessarily cause any damage to the owner or owners of such land, they shall forfeit and pay to such owner or owners three times the amount of such damage, to be recovered in any form of action.

§ 8. Before any person or persons shall be permitted to commence an action as provided for herein, they shall file a bond in a sum not less than fifty dollars, with security to be approved by the justice, conditioned that they will pay all costs legally accruing in said cause, and all damages, if damages are awarded therein, with-

in sixty days after the rendition of judgment, or pay all costs and abandon the construction of such drain in the manner provided by this act, within the same time. If the defendant or defendants procure the attendance of any witnesses not necessary to a proper defense, all the costs of such witnesses and of subpoenaing the same shall be taxed to the defendant or defendants.

§ 9. Prior to issuing the summons in commencing any suit under this act, the plaintiff or plaintiffs shall file with the justice a rough sketch, or plat, of the land to be drained, and that of all other persons across, or upon which such drain is to be constructed, showing the starting point of such drain and its proposed course across, or upon, the land of others, and the point of its discharge; and such plat shall be kept by the justice with the other papers in said cause. A failure to comply with the provisions of this section shall be sufficient cause for the dismissal of the suit at any time before the trial is entered upon.

§ 10. If any person or persons shall willfully fill up, injure or destroy any drain constructed as herein required, or willfully prevent or delay the construction of any drain in the manner provided by this act, or shall neglect or refuse to keep the same open, as required by this act, such person or persons shall be deemed guilty of a misdemeanor, and, upon conviction thereof, for the first offense shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars; and for the second offense shall be fined in a sum of not less than fifty dollars nor more than two hundred dollars; and for each subsequent offense shall be confined in the county jail for not less than thirty days nor more than one year.

§ 11. Nothing herein contained shall be construed to repeal any act or part of an act now in force in this State, upon the subject of drainage or levying.

APPROVED June 23, 1883.

COUNTY DITCHES.

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| <p>§ 1. Drains or ditches heretofore constructed declared public.</p> <p>§ 2. County board may designate ditches to be improved or repaired—appointment of district commissioners.</p> <p>§ 3. Commissioners shall form districts.</p> <p>§ 4. Districts shall be designated by name and classified.</p> <p>§ 5. Districts with classification shall be published—meetings of commissioners to review districts.</p> <p>§ 6. Objections to districts may be filed at such meetings.</p> <p>§ 7. If objections are sustained district shall be annulled—other commissioners may be appointed—decision filed with clerk.</p> <p>§ 8. Appeal from decision of commissioners—bond for costs.</p> | <p>§ 9. Appeal addressed to county clerk, who shall summon three supervisors to hear the appeal—counties not under tp. org.—judge, assessor and clerk shall hear—notice.</p> <p>§ 10. Powers of appeal board—decision filed with county clerk.</p> <p>§ 11. When district is fully established map shall be made—copies of map filed—record of district made in recorder's office—report of commissioners to Co. board.</p> <p>§ 12. Drainage commissioners appointed to supervise districts.</p> <p>§ 13. County board may levy special taxes for benefit of districts.</p> <p>§ 14. Extension of taxes.</p> <p>§ 15. Contracts for connecting ditches with other districts.</p> <p>§ 16. Objects of this act—use of public ditches.</p> |
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AN ACT to maintain and improve county ditches heretofore constructed to drain certain swamp and overflowed lands.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the ditches or drains heretofore made by any county, or by any county contracting with an incorporated company, to drain the swamp and overflowed lands donated to such county by the State, are hereby declared public ditches or drains, and may be preserved and improved by the several county boards in the counties where these ditches lie, in the manner as provided in this act.

§ 2. The county board may designate what ditch or ditches shall be repaired or improved to secure the purposes for which it was constructed; and when any one or more has been so designated, the board shall appoint three suitable persons to be styled district commissioners, neither of whom shall have any personal interest in the proposed work, and within ten days after being notified of their appointment, they shall meet at the office of the county clerk, file their acceptance and take the oath required of officers by the constitution.

§ 3. They shall proceed, soon as practicable, to form drainage districts, to include in each, all such tracts, divisions and subdivisions of land, being near or more remote from the line of the drain, but which, for a thorough system of drainage, will be benefited in the way of securing an outlet by the preservation and improvement of the ditch or ditches which drain its surplus waters. Separate districts shall be formed where the ditches discharge independently; also on branches of the same water system, where the maintenance and improvement of its ditches are clearly independent of others; and separate districts may be formed on the upper level of a water system where its outlet will secure drainage independent of the ditches on the lower level.

§ 4. When the commissioners have laid out a district, they shall give it a name, subject to alteration by the county board, and proceed to classify the lands within the district on a graduated scale according to the supposed benefits it will receive. The tracts adjudged to receive most and about equal benefits, shall each be marked one hundred (100) on the scale of benefits; and such as will be less benefited, shall be marked some number less than one hundred, denoting its per cent. of benefits. This classification, when made and established, shall remain as a basis for taxation, so that each tract shall bear its just burdens in raising funds for maintaining and improving the ditches within such district.

§ 5. When this classification is completed, they shall publish for three weeks in some one or more newspapers in their county, a notice showing what tracts of land are included in the district, how classified on the scale of benefits, with owner's name if known; and they shall also post up at least ten notices containing the same items, in or contiguous to the district, and these publications and notices shall state when and where the commissioners will meet to review their doings, and hear such objections as may be made by any aggrieved party.

§ 6. At this meeting, which may be adjourned if necessary, any person, his agent or attorney, owning lands within the district, may object and show cause:

1. That the district should not be formed on the ground of impracticability of drainage, or that the cost will be greater than the benefits.

2. To the boundaries of the district as including or excluding certain tracts of land improperly.

3. To the classification of lands on the scale of benefits, specifying such as are too high or too low.

§ 7. If the commissioners find either count in the first paragraph established, they shall annul the district and so report to the county board, and all further proceedings shall end: *Provided*, the county board may, in their discretion, appoint other commissioners at some subsequent time. But if they find for the district, they shall consider the objections under the other heads of boundaries and classifications of lands; and they shall make such changes as shall seem to them just. They shall publicly announce their decision, and file their statement of the same within three days, with the county clerk.

§ 8. Any one person or persons owning lands within the district, as established, may, within five days after the commissioners have reported to the county clerk, appeal from the decision of the commissioners, on any point objected to at the time of review, by giving a bond, with security, to be approved by the county clerk, conditioned to pay all costs of the proceedings under the appeal, if the decision of the commissioners be in all things sustained. If more than one person appeals, they shall all join in the same appeal, though their objections may be on different matters.

§ 9. The appeal shall be addressed to the county clerk, stating the cause of the appeal. In counties under the township organization, the county clerk shall summon three supervisors, who shall not be owners of land in the proposed district, nor otherwise interested, to try the appeal. In counties not under township organization, the appeal board shall consist of the county judge, assessor and county clerk, who shall be duly notified by the county clerk; and he shall give at least three days' notice to one or more of the appellants when and where the appeal will be heard. If any of the last named board are excluded by reason of interest, it shall pass successively to the sheriff and coroner.

§ 10. The board of appeal shall have the same power and jurisdiction as the commissioners on the questions involved in the appeal. They may annul the district, change the boundaries, or alter the numbers placed on the scale of benefits, if these or any of them were the subjects named in the appeal. They shall hear proofs and allegations, may themselves go upon the ground and investigate, and when they shall have concluded, they shall file their decision with the clerk of the county. If it be to annul the district, no further proceedings shall be had, except it shall be again instituted by the county board. If the district be not annulled, and the proceedings of the

commissioners be reversed or approved, wholly or in part, they shall so report to the county clerk, and their decision on the matters submitted shall be final and conclusive.

§ 11. After the district shall have been fully established, by reason of no appeal from the decision of the commissioners, or by the action of the board of appeal, the commissioner shall cause to be made a map of the district, showing each tract of land included, with the figures showing the classification on the scale of benefits, and the owner's name, if known, marked on each tract. A copy of this map shall be filed in the office of the county clerk, and in the office of each town clerk, whose town is wholly or in part included in the drainage district. They shall also cause to be recorded in the recorder's office an instrument of writing, setting forth all the material facts of the case, including a description of the tracts of land composing the district, the number on the scale of benefits, and the owners' names so far as known, belonging to each tract. The commissioners shall also make a full and detailed report of the case to the county board, who shall spread the same upon their records.

§ 12. Whenever one or more drainage districts have been established, as herein provided, the county board shall appoint some suitable person drainage commissioner, who shall have such charge, perform such duties and execute such lawful orders, as the board may from time to time devolve upon him; and he shall hold his office two years, unless sooner removed by the board, in which case the board shall appoint his successor.

§ 13. The county board shall be the corporate authority of the several drainage districts of their respective counties organized under this act, and may, in its discretion, levy special assessments to procure funds for the use of such districts, but no levy for any one year shall exceed a sum which will produce a tax of more than one dollar on each acre of the several tracts marked one hundred on the scale of benefits, and such other proportional amount less than one dollar an acre on the several tracts as graduated on that scale.

§ 14. The tax shall be computed for each tract according to its acreage and classification on the scale of benefits, and the tax shall be set down in a separate column on the tax books against each tract composing a part of the district to be taxed, and the money shall be collected by the collector of taxes in like manner of other taxes, and, if not paid, it shall be treated as other delinquent taxes, and remain a lien upon the land until paid. The money, when collected, shall be paid into the county treasury and kept as a separate fund for the use of its proper district, to be drawn upon by order of the county board.

§ 15. The county board, by itself or through such agencies as it may institute, may contract with other counties, or with the corporate authorities of other drainage districts, organized under this act, or under other laws of this State, to connect ditches, or act otherwise, in concert or jointly, where a combined system of drainage shall be found to be necessary or expedient.

§ 16. The purpose of this act is to secure ample and permanent main channels of drainage for their respective districts, so that all owners of land within the district shall have the facilities of thorough drainage of their lands, and therefore each shall have free connection with the public ditches for that purpose, and, by consent of parties, drain over the land of others to reach the outlet; and where more perfect drainage is desired than is provided for by this act, owners of land in any part of a district may organize under other drainage laws as freely and completely as though not included in a county district, and such district or sub-district shall have free use of the public or county ditches for outlets to their drains.

APPROVED June 23, 1833.

LEVEES.

ASSESSMENT NOTICES.

§ 1. Amends sec. 33, act 1879, as amended 1881, by requiring notices for assessments and "annual amount of benefits" to be served separately.

§ 2. Amends sec. 31, act 1879, as amended 1881, by providing for the collection of delinquent "annual amount of benefits."

AN ACT to amend sections thirty-three (33) and thirty-four (34) of an act entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by an act entitled "An act to amend sections three (3), five (5), twelve (12), thirty-three (33), thirty-four (34), thirty-seven (37) and thirty-eight (38) of an act entitled 'An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, and to add to said act an additional section, to be known as section forty-three and one-half (43½)," approved and in force May 19, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirty-three (33) of an act entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by an act entitled "An act to amend sections three (3), five (5), twelve (2), thirty-three (33), thirty-four (34), thirty-seven (37) and thirty-eight (38) of an act entitled 'An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, and to add to said act an additional section, to be known as

section forty-three and one-half ($43\frac{1}{2}$)," approved and in force May 19, 1881, be, and the same is hereby so amended, as to read as follows:

"Section 33. The commissioners, upon receiving such certified copy of such assessment roll, shall immediately cause a notice to be published for three (3) weeks, in the manner required in section three (3) of this act, in substance as follows:

NOTICE OF DRAINAGE AND LEVEE ASSESSMENT.—Notice is hereby given to all persons interested, that an assessment (or installment of per cent. of the assessment, as the case may be,) is now due for drainage and levee purposes, for the year A. D. 18...., upon lands lying within the drainage and levee district, in the county of and State of Illinois, and that the same must be paid to the undersigned, commissioners of said drainage and levee district (or to collector of said district, as the case may be,) on or before the day of 18....; and in default of such payment, the several tracts of land upon which said assessment (or installment, as the case may be,) remains unpaid, will be sold, according to law, to pay the amount of such assessment or installment and costs.

Dated this day of, 18....

..... Commissioners.

And in case the assessments made are ordered by the county court or justice of the peace to be paid in installments, said commissioners shall give a like notice, as near as may be, of any installment or installments, immediately after such installment or installments become due and payable. And in case of "annual amount of benefits," the commissioners shall give notice in a similar manner immediately after the first day of September of each year, stating what part of the "annual amount of benefits" will be collected for that year, which notice may be in substance as follows:

NOTICE OF ANNUAL DRAINAGE ASSESSMENT.—Notice is hereby given to all persons interested, that the "annual amount of benefits" (or per cent. of the "annual amount of benefits," as the case may be,) is now due for drainage and levee purposes for the year A. D. 18...., upon land lying within the drainage and levee district, in the county of and State of Illinois, and that the same must be paid to the undersigned, commissioners of said district, (or to collector of said district, as the case may be,) on or before the day of 18....; and in default of such payment, the several tracts of land upon which said "annual amount of benefits" (or per cent. of the "annual amount of benefits," as the case may be,) remains unpaid, will be sold according to law, to pay the amount of the same and costs.

Dated this day of, 18....

..... Commissioners."

§ 2. That section thirty-four (34), of the act aforesaid, to which this act is an amendment, be, and the same is hereby so amended, as to read as follows:

"Section 34. If the assessment, or any installment or installments thereof, or annual amount of benefits, due upon said lands, shall not be paid on or before the day named in the notice given as in section thirty-three (33) of this act, it shall be the duty of said commissioners, if they have not appointed a collector as aforesaid, and if so, then of said collector, to make out a certified list of such delinquent lands upon which the assessment, or any installment or annual amount of benefits remains unpaid, and the same shall be by him or them, on or before the tenth day of March next after the same have become payable, returned to the county collector of the county or counties in which said lands shall lie; and when the same shall lie in different counties, a separate return shall be made for each county of the delinquent lands therein; and it shall be the duty of the collector to whom any such returns have been made, to

transfer such returns to the tax books in his hands, setting down therein in proper order the several tracts of the real estate, town lots and blocks so returned, and setting opposite to the respective tracts of real estate, lots and blocks, in proper columns prepared for that purpose, the amount of assessment, installment or installments or annual amount of benefits against each tract of real estate, lots and blocks, and the like proceedings shall be had, and with the like force and effect in the collection of such delinquent assessment or assessments, or installment or annual amount of benefits unpaid, with interest, and the sale of said real estate, lots, blocks and lands for non-payment thereof, as in ordinary collections of State and county taxes by county collectors, and of sale of real estate by them for such non-payment and of redemption from such sales. Nothing in this act contained shall be construed to affect or impair any assessment or return of lands delinquent for assessment heretofore made under any law of this State."

APPROVED June 23, 1883.

LEVEES.

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| <p>§ 1. Amends sec. 17 by adding the proviso, allowing "annual amount of benefits" assessed for repairs to be applied to the completion of a drain or ditch.</p> <p>§ 2. Amends section 26 by providing that the "annual amount of benefits" shall be due instead of assessments—Providing for amount necessary to improve or construct new ditches, to prevent overflow.</p> <p>§ 3. Amends sec. 42, act of 1879, by allowing the commissioners traveling expenses—Reports of Commissioners.</p> <p>§ 4. Amends sec. 43, concerning erroneous assessments.</p> | <p>§ 5. Petitions may be filed before justice of the peace, who shall have the same jurisdiction as the county court.</p> <p>§ 6. Amends sec. 49, that in cases of disagreement between the corporate authorities of the county, State, or free turnpike roads, or railroads, as to the amount to be contributed towards the construction or repair, the matter shall be referred to a jury to assess the damages.</p> <p>§ 7. Amends said act of 1879 by adding sections 17½ and 44½. Sec. 17½ provides for compensation of jurors. Sec. 44½ provides for constructing additional drains in drainage districts, and for enlarging, strengthening or extending those already constructed.</p> |
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AN ACT to amend sections seventeen (17), twenty-six (26), forty-two (42), forty-three (43), forty-six (46), and forty-nine (49), of an act entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mineral purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, and to add to said act two additional sections, known as sections serenteen and onc-half (17½) and forty-four and onc-half (44½).

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section seventeen (17), of an

act entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees, across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, be, and the same is hereby amended, so as to read as follows :

"Section 17. The jurors, empaneled as aforesaid, shall elect one of their number foreman when the proceeding is for the construction of ditches, drains or levees, and shall proceed to examine the lands to be affected by the proposed work, and ascertain, to the best of their ability and judgment, the damages and benefits which will be sustained by, or will accrue to the lands to be affected by said proposed work, and shall make out an assessment roll, in which shall be set down, in proper columns, the names of owners, when known, a description of the premises affected, in the words or figures, or both, as shall be most convenient, the number of acres in each tract, and if damages are allowed, the amount of the same; and if benefits are assessed, the amount of the same; and in case damages are allowed to, and benefits assessed against the same tract of land, the balance, if any, shall be carried forward to a separate column for damages or benefits, as the case may be. But the amount assessed for keeping said levee or ditch in repair, shall not in the aggregate amount to a sum, in any one year, greater than would be produced by thirty cents per acre on all the lands within said district. In case the petition shall set out that a levee or ditch has been made under any law of this State and prays for an assessment to repair and keep in repair said levee or ditch, the jury shall assess the benefits which said lands will sustain by repairing said levee or ditches, and also the annual amount of benefits which said lands will sustain by keeping said levee or ditch in repair thereafter; and in such case no other or different assessment shall be made by the jury, but in all other respects the jury shall comply with the provisions of this act, so far as the same may be applicable thereto: *Provided*, that in all cases where the amount of benefits assessed, and the assessment of benefits to repair said levees or ditches heretofore constructed under any law of this State, are insufficient to complete the ditches, drains or levees, embraced in the proceedings, the "annual amount of benefits" assessed by the jury to keep said levee or ditch in repair after making all necessary repairs for any year, may be applied to complete the ditches, drains or levees, embraced in the proceedings, and to raising, strengthening and protecting said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees, when required to protect the lands embraced in the drainage and levee districts organized under this act from inundation and overflow, and in paying interest on any notes or bonds issued under this act."

§ 2. That section 26, of the act aforesaid, to which this act is an amendment, be and the same is hereby so amended, as to read as follows :

"Section 26. At the time of confirming such assessment it shall be competent for the court to order the assessment of benefits to be

paid in installments of such amounts, and at such times, as will be convenient for the accomplishment of the proposed work; otherwise the whole amount of such assessment shall be payable immediately upon such confirmation, and shall be a lien upon the lands assessed until paid. But in case where a levee or ditch has been heretofore built under any law of this State, or may hereafter be built under the provisions of this act, the annual amount of benefits for keeping the same in repair shall be due and payable on the 1st day of September annually, and shall be a lien on the lands upon which said assessments are made from and after the confirmation of the report. The court in which such proceedings are had shall require from said commissioners a report of the condition of the levee or ditch, at its July term of each year, together with their estimate of the amount necessary to keep the levee or ditch in repair, pay all incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees embraced in the proceedings, and to raise, strengthen or protect said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees when required to protect the lands embraced in the drainage and levee districts organized under this act, from inundation and overflow; and if the court shall find that a less amount will be required for such ensuing year than the whole amount of the assessment for that year, then the court shall by an order fix the amount to be paid for such year, and only that amount shall be collected, and the excess of such assessment over and above the amount so fixed by said order for said year shall be remitted by law, and shall not thereafter be collected: *Provided*, that the amount to be collected under the order of said court shall not, in the aggregate, amount in any one year to a sum greater than would be produced by a levy of thirty cents per acre on all the lands within said district: *Provided, further*, that in all cases where the ditches, drains or levees constructed or repaired under this act are in danger of being impaired, injured, broken or destroyed by overflow or otherwise, and a part of the annual amount of benefits for protection and keeping the same in repair for the year in which said ditches, drains or levees are so threatened has been remitted by order of court as herein provided, or when the annual amount of benefits for protecting and keeping the same in repair for any year is insufficient, the commissioners of drainage and levee districts, organized under this act, may borrow money on the annual amount of benefits becoming due the 1st day of September, following the time when said ditches, drains or levees are so threatened, to the extent of two-thirds of said annual amount of benefits, and may secure the same by notes or bonds of the drainage and levee districts, bearing interest at the rate of six per cent. per annum, and not running beyond one year from the date of issue, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the annual amount of benefits falling due thereafter for the repayment of the principal and interest thereof: *Provided*, that the report of the commissioners as to the condition of the levee or ditch, and their estimate of the amount necessary to keep the levee or ditch in repair, pay all

incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees embraced in the proceedings, and to raise, strengthen or protect said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees when required to protect the lands embraced in the drainage districts, when the proceeding is before a justice of the peace, shall be made on the first Monday in July, in each year."

§ 3. That section forty-two (42), of the act aforesaid, to which this act is an amendment, be, and the same is hereby so amended as to read as follows:

"Section 42. The commissioners shall receive for their services the sum of two dollars per day and their necessary traveling expenses, for each day they shall be actually engaged in the business of their appointment. The commissioners shall present an itemized account, under oath, to the county court or justice of the peace when the proceeding is before a justice of the peace, of the amounts due them respectively, which amounts shall be audited at least once a year by said county court or justice of the peace, and certified to by said court or justice of the peace to their treasurer, to be paid by him on said certificate. The commissioners shall fix the compensation of said treasurer, collector, and all other servants and agents, and the clerk of the county court and justice of the peace shall receive for their services, hereunder, such fees as are by law allowed for similar services in said county court and before justices of the peace: *Provided*, that when the proceedings are before the justice of the peace, the commissioners shall make all reports required of them by law to the justice of the peace before whom the drainage and levee district was organized, or his successor in office, when not otherwise specifically provided for."

§ 4. That section forty-three (43), of the act aforesaid, to which this act is an amendment, be, and the same is hereby so amended as to read as follows:

"Section 43. Whenever a petition shall be presented to said court by the owner of any tract of land within said district, setting forth that the same, or any part thereof, has been erroneously assessed for benefits, for the reason that the same is not subject to overflow, or has never been overflowed by the highest waters known, and praying that the said lands, in whole or in part, may be released from the assessment made or to be made in future, the court may, after ten days' notice of the filing of such petition being given to the commissioners, at any term of said court, proceed to hear said application, granting such continuances as may be right and proper; and if the court shall find, upon issue joined, that any part of the land named in said petition has never been overflowed by the highest water known from the stream against which the levee in question has been constructed, may, by order, to be entered of record, unless it appears to the court that the assessment on the whole tract is no more than the proportion that the land subject to overflow in said tract is benefited, and should pay toward constructing and maintaining the levee, or that the assessment on the tract is no more than the proportion of sanitary benefits received by the whole

tract, and no more than the whole tract should pay for sanitary benefits toward constructing and maintaining the levee, amend the assessment roll returned by the jury in conformity to the facts found, and such part shall thereafter be discharged from all other assessments, and the clerk shall immediately cause a copy of such order to be delivered to the commissioners that the copy of the assessment roll in their hands may be made to conform to such order: *Provided*, that said petition shall be filed within one year after the confirmation of the assessment, and not thereafter."

§ 5. That section forty-six (45), of the act aforesaid, to which this act is an amendment, be, and the same is hereby so amended as to read as follows:

"Section 46. When the cost of any proposed drain, ditch, levee or other work authorized by this act to be done, will not exceed the sum of six thousand dollars, the petition may, if the petitioners shall so elect, be filed with a justice of the peace in the county where the land to be affected, or the major part thereof, is situated; and all the proceedings authorized by this act to be had in the county court, in cases where the petition is filed in such court, may be had before such justice of the peace, the justice of the peace performing all the services and duties required of the clerk of the county court by this act in proceedings commenced in that court; and the assessment of damages and benefits shall be conducted before such justice in the same manner, as near as may be, as cases commenced by petition before such county court. In proceedings before a justice of the peace under this act, the petition, report of commissioner or commissioners, assessment roll and all other papers may be filed and a hearing had thereon at any time, notice having first been given for the length of time and in the manner required by this act; and appeals may be taken from the final judgment of the justice of the peace to the county court within the same time and in the same manner as appeals may be taken from the findings of the jury in cases commenced in the county court, and the assessment of benefits may be collected and enforced as in such cases before the county court."

§ 6. That section forty-nine (49), of the act aforesaid, to which this act is an amendment, be and the same is hereby amended so as to read as follows:

"Section 49. When a ditch or drain has been located under the provisions of this act, of sufficient capacity to carry off the water that flows to it, and also to properly drain the land taxed for the construction of the same, such lands shall not be again taxed or assessed for the benefit of improving any lands lying above the lands taxed for the construction thereof; and in all cases where any such ditch empties into any lower ditch above described, for the benefit of lands lying above the lower ditch, the commissioners, under the direction of the court, shall levy a sufficient tax on such land benefited by the new ditch to enlarge such lower ditch, so as to confine the water to the same level that it originally had before an additional amount of water emptied into such lower ditch, for the benefit of lands lying above the lower ditch. Whenever it shall appear to the jury that a drain, ditch, levee or other work has been in whole or in part constructed by voluntary effort of the owners

thereof, for the purpose of draining or protecting any land to be affected by the work proposed under this act, and said work shall be found to be a benefit to such lands, and that any of the lands to be benefited by the said work have borne any part of the expense of such work so voluntarily done, the jury may allow the owners of such land, and deduct from the assessment which they may make against the same, the amount of the expenses of such work so borne by such lands, or such part thereof, as will make an equality of burdens and benefits as between the several owners of lands benefited. When a ditch, drain or levee established or repaired under this act, drains or levees, either in whole or in part, any public or corporate road or railroad so as to benefit any of such roads, so that the road-bed or traveled track of such road will be improved by the construction of said ditch, drain or levee, the commissioners shall apportion to the county, State, or free turnpike road, to the township, if a township road, to the company, if a corporate road or railroad, such portions of the cost and expenses thereof as to private individuals, and require them to pay such cost and perform such labor in like manner as individuals; and in case there is a disagreement between the commissioners and the corporate authority of the county, State, or free turnpike road or railroad as to the amount that they should contribute, then the commissioners shall refer the matter to the jury empaneled to assess damages and benefits, when they meet to correct their assessment of damages and benefits, and the jury shall then proceed to assess the damages and benefits in like manner as the lands of individuals, and no other or different notice shall be given than that required in section 19 of this act: *Provided*, that when the commissioners and the corporate authorities of the county, State, or free turnpike, township road, corporate road, or railroad, or any of them, agree as to the amount that they or any of them should contribute, that the amount so agreed on shall be reported to the said jury when they meet to correct their assessment roll, and the amounts so agreed on shall be incorporated in said assessment roll when amended by said jury."

§ 7. That said act to which this act is an amendment be and the same is hereby amended by adding to the said act to which this act is an amendment, two other sections, to be numbered sections seventeen and one-half ($17\frac{1}{2}$), and forty-four and one-half ($44\frac{1}{2}$), as follows:

"Section $17\frac{1}{2}$. Jurors summoned or empaneled to assess damages and benefits under this act, shall receive the same compensation as petit jurors in courts of record, which shall be taxed as a part of the costs of the proceedings, and paid out of the assessments when collected by the commissioners, in the same manner as other costs and expenses."

"Section $44\frac{1}{2}$. Drainage and levee districts heretofore organized under this act, and drainage and levee districts hereafter organized under said act, when it shall become necessary to construct additional drains, ditches or levees in order to protect the lands embraced in said drainage and levee districts from inundation and overflow, or repair, enlarge, raise, strengthen or protect drains, ditches or levees already constructed or in process of construction,

may, by their agents and employees, enter upon and take possession of such lands as may be necessary to construct such additional drains, ditches or levees, or repair, enlarge, raise, strengthen or protect drains, ditches or levees already constructed or in process of construction, paying, if the owner of such lands and the commissioners of said drainage and levee districts can agree, the value of such lands taken and the amount of damages occasioned thereby, to any such lands or its appurtenances, and if such owners and commissioners of said drainage and levee districts cannot agree, then the value of such land and the damages occasioned thereto may be ascertained, determined and paid in the manner that may now or hereafter be provided by any law of eminent domain. And the commissioners of said drainage and levee districts, when necessary to protect the drains, ditches or levees thereof, may put in such works in and along rivers, creeks or lakes, as will protect the banks of the same from caving, and they may go beyond the bounds of the said district for that purpose."

APPROVED June 23, 1883.

DRAM-SHOPS.

LICENSE.

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| <p>§ 1. Fixes the minimum license fee at \$500 for dram shops, and \$150 for malt liquors only, in cities, towns and villages.</p> | <p>§ 2. Authorizes county boards to grant licenses on like terms, upon petition of a majority of the legal voters of any town or election precinct.</p> <p>§ 3. Prescribes penalties for violation of this act.</p> |
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AN ACT to restrict the powers of counties, cities, towns and villages in licensing dram shops, to provide for granting a license to retail malt liquors separately, and for punishing persons holding such separate license for unlawful sale and gifts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter it shall not be lawful for the corporate authorities of any city, town or village in this State, to grant a license for the keeping of a dram-shop, except upon the payment, in advance, into the treasury of the city, town or village granting the license, such sum as may be determined by the respective authorities of such city, town or village, not less than at the rate of five hundred dollars (\$500) per annum: *Provided*, that in all cases when a license for the sale of malt liquors only is granted, the city, town or village granting such license, may grant the same on the payment, in advance, of the sum of not less than at the rate of one hundred and fifty dollars (\$150) per annum: *And provided, further*, that the city councils in cities, the board of trustees in towns, and president and board of trustees in villages,

may grant permits to pharmacists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, under such restrictions and regulations as may be provided by ordinance.

§ 2. The county boards of each county may grant licenses to keep so many dram-shops in their county as they may think the public good requires, upon the application, by petition, of a majority of the legal voters of the town, if the county is under township organization, and if not under township organization, then of a majority of the legal voters of the election precinct or district where the same is proposed to be located, and upon the payment into the county treasury of such sum as the board may require, not less than five hundred dollars (\$500) per annum for each license; and upon compliance with the provisions of an act entitled "An act to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors," approved March 3, 1874, in force July 1, 1874: *Provided*, that in all cases where a license is granted for the sale of malt liquors only, such board may grant the same, upon payment into the county treasury, of a sum not less than one hundred and fifty dollars (\$150) per annum for each license: *Provided, further*, such board shall not have power to issue any license to keep a dram-shop in any incorporated city, town or village, or within two miles of the same, in which the corporate authorities have authority to license, regulate, restrain or prohibit the sale of liquors, or in any place where the sale of liquors is prohibited by law.

§ 3. Any person having a license to sell malt liquors only, who shall by himself or another, either is [as] principal, clerk or servant, directly or indirectly, sell or give any intoxicating liquors, other than malt liquors, in a less quantity than one gallon, or in any quantity to be drank upon the premises, or in or upon any adjacent room, building, yard or place of public resort, shall for each offense be fined not less than twenty dollars, nor more than one hundred dollars, or confined in the county jail not less than ten nor more than thirty days, or both, in the discretion of the court. The penalties provided for in this section may be enforced by indictment or information in any court of competent jurisdiction, or the fine only may be sued for and recovered before any justice of the peace of the proper county, and in case of conviction, the offender shall stand committed to the county jail until the fine and costs are fully paid. A conviction under this section shall forfeit the license held by the defendant, and the court rendering judgment upon such conviction shall in such judgment declare a forfeiture of such license.

APPROVED June 15, 1883.

ELECTIONS.

NEW PRECINCTS.

§ 1. Amends Sec. 30, Act 1872, by requiring precincts to be divided when too large, and limiting the number of voters to 700.

§ 2. Amends Sec. 32, same act, by requiring county boards to appoint judges at the annual meeting preceding each general election.

AN ACT to amend sections thirty (30) and thirty-two (32) of an act entitled "*An act in regard to elections, and to provide for filling vacancies in elective offices,*" approved April 3, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections thirty (30) and thirty-two (32) of an act entitled "*An act in regard to elections, and to provide for filling vacancies in elective offices,*" approved April 3, 1872, in force July 1, 1872, be amended so as to read as follows:

"Section 30. The county board of such counties may, from time to time, change the boundaries of election precincts, and may erect and establish one or more new election precincts, and may designate and change the places of holding elections, and whenever it shall appear that for the convenience of the voters, and by reason of such precinct being too large, and too numerously populated, the county board shall divide such precincts into election districts, numbering the same, and establishing one election poll only, in such district: *Provided, however,* that such districts be so formed, as nearly as can be practically ascertained, to poll not more than seven hundred (700) votes. The voters of such precinct shall not be permitted to cast their vote at any other district of the precinct, excepting in the election district in which they reside. All general and special elections shall be held at the places so designated and established.

"Section 32. In counties not under township organization, the county board shall annually, at its regular session preceding the general election, appoint three capable and discreet electors to act as judges of election in each election precinct or district, and may at any time fill vacancies."

APPROVED June 18, 1833.

FEES AND SALARIES.

CLASSIFICATION OF COUNTIES.

§ 1. Classifies the counties in the State under the census of 1880.—Counties not exceeding 25,000, first class; over 25,000 and not exceeding 100,000, second class; exceeding 100,000, third class.

AN ACT to amend section 13 of "*An act concerning fees and salaries, and to classify the several counties of this State with reference thereto,*" approved March 29, 1872, in force July 1, 1872, title as amended by an act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 13 of an act entitled "*An act concerning fees and salaries, and to classify the several counties of this State with reference thereto,*" approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

"Sec 13. That for the purpose of fixing the fees and compensation of county and township officers in this State, the several counties therein are hereby divided into three classes, according to population, as ascertained by the Federal census of the year 1880, which classes shall be known as the first, second and third, as follows:

Counties containing a population of not exceeding twenty-five thousand inhabitants, to-wit: Alexander, Bond, Boone, Brown, Calhoun, Carroll, Cass, Clark, Clay, Clinton, Crawford, Cumberland, DeWitt, Douglas, DuPage, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Hardin, Henderson, Jackson, Jasper, Jefferson, Jersey, Johnson, Kankakee, Kendall, Lake, Lawrence, Marion, Marshall, Mason, Massac, McHenry, Menard, Mercer, Monroe, Moultrie, Perry, Piatt, Pope, Pulaski, Putnam, Richland, Saline, Schuyler, Scott, Stark, Union, Wabash, Warren, Washington, Wayne, White, Williamson and Woodford, shall belong to, and be known as counties of the first class.

Counties containing a population over twenty-five thousand and not exceeding one hundred thousand, to-wit: Adams, Bureau, Champaign, Christian, Coles, DeKalb, Edgar, Fulton, Hancock, Henry, Iroquois, Jo Daviess, Kane, Knox, LaSalle, Lee, Livingston, Logan, Macon, Macoupin, Madison, McDonough, McLean, Montgomery, Morgan, Ogle, Peoria, Pike, Randolph, Rock Island, Sangamon, Shelby, St. Clair, Stephenson, Tazewell, Vermilion, Whiteside, Will and Winnebago, shall belong to, and be known as counties of the second class.

Counties containing a population exceeding one hundred thousand, to-wit, the county of Cook, shall belong to, and be known as counties of the third class.

The fees and compensation of the several officers hereinafter named shall be as follows, in the respective classes of the counties to which they belong:"

APPROVED June 23, 1883.

COUNTY CLERKS—THIRD CLASS.

§ 1. Amend section 4, act 1874, by increasing fees, copies of paper from "8" to 10 cents per 100 words, filing papers from "8" to 10 cents, extending taxes from "1" to 2 cents, for entering judgment from "1" to 2 cents, for issuing tax sale certificates from "15" to 20 cents, for cancelling certificates of sale from "15" to 20 cents, for certificates of redemption from "25" to 50 cents.

AN ACT to amend section four (4) of an act entitled "*An act to provide for fees of certain officers therein named, in counties of the third class,*" approved March 2, 1874, in force March 2, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four of an act entitled "*An act to provide for fees of certain officers therein named, in counties of the third class,*" approved March 2, 1874, in force March 2, 1874, be amended so as to read as follows:

"Sec. 4. For each license and taking bond for ferry, toll-bridge, turn-pike, road, tavern, saloon, grocery or peddler, one dollar (\$1.00).

For issuing each marriage license, sealing, filing and recording the same, and the certificate thereto (one charge), one dollar and fifty cents (\$1.50).

For each copy of rates for ferry, toll-bridge or turnpike road, twenty-five cents (25c).

For taking and certifying to the acknowledgment of a deed, power of attorney, or other writing and sealing the same, twenty-five cents (25c).

For filing certificate in case of estrays, entering the same and furnishing notices for publication thereof (one charge), seventy-five cents (75c).

For recording all papers and documents required by law to be recorded in the office of the county clerk, for every one hundred words, ten cents (10c).

For swearing any person to an affidavit, not to be used in a case in the court of which he is a clerk, with certificate and seal, twenty-five cents (25c).

For certificate and seal, not in a case in a court whereof he is clerk, twenty-five cents (25c).

For making and certifying a copy of any paper or record in his office, for every one hundred words, ten cents (10c).

For filing papers in his office, for each paper filed, ten cents (10c).

For making transcript of taxable property for the assessors two cents (2c) for each tract of land or town lot, and for extending other than State and county taxes, two cents (2c) for each tax on each tract or lot, and each person's personal tax, to be paid by the authority for whose benefit the transcript is made and the taxes extended, and it shall be the duty of the county clerk to certify to the county collector, the amount due from each authority, and the collector in his settlement with such authority shall reserve such amount from the amount due and payable by him to such authority. The following fees shall be allowed for services in matters of taxes and assessments, and shall be charged as costs against the delinquent property and collected with the taxes thereon:

For entering judgment for each tract or lot, two cents (2c).

For services in attending the tax sales, and issuing certificates of sales and sealing the same, for each tract or lot, twenty cents (20c).

For canceling certificates of sale for each tract or lot, twenty cents (20c).

For certificates of redemption, fifty cents (50c)."

APPROVED June 18, 1883.

STATE'S ATTORNEYS.

§ 1. Amends section 8, act 1872, by increasing the fees of State's attorneys.

AN ACT to amend section eight (8), of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section eight (8) of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:

“Sec. 8. The State’s attorneys shall also be allowed the following fees: For each conviction in a felony case, twenty dollars (\$20); for each conviction in other cases, including cases where justices of the peace have original jurisdiction, five dollars (\$5); *Provided*, no fees shall be charged on the excess of counts above twenty in any one indictment or information, nor on more than twenty counts against any one defendant on pleas of guilty at the same term of court; for attending preliminary examinations, for each defendant recognized or held to answer on a charge of felony, five dollars (\$5); for each trial in a court of record of a charge of bastardy, ten dollars (\$10); for each examination in a court of record of a party bound over to keep the peace, five dollars (\$5); for each case of appeal or writ of error taken from his county to the supreme or appellate court, when prosecuted or defended by him, thirty dollars (\$30), and all the foregoing fees shall be taxed as costs to be collected from the defendant if possible. If each case of forfeited recognizance, where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, five dollars (\$5) shall be collected from each defendant as a State’s attorney’s fee, for each day actually employed in the trial of every case of felony arising in their respective counties; when taken by a change of venue to another county, ten dollars (\$10) per diem, and the judge before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed, and it is hereby made the duty of each State’s attorney to prepare and try every case of felony arising in his county, when so taken away by change of venue. And it shall be the duty of the State’s attorney of the county in which such case is tried to assist in the trial of such case, and for such assistance he shall have the same fee he would be entitled to if the case had arisen in his own county. Ten per cent. upon all moneys (except revenue) collected by them, and paid over to the authorities entitled thereto, which per cent., together with the fees provided for herein, that are not collected from the parties tried or examined, shall be paid out of any fines and forfeited recognizances collected by them. State’s attorneys shall have a lien for their fees, on judgments for fines or forfeitures procured by them for their fees and earnings, until they are fully paid, and such payment shall operate as a release of the lien created by this act.”

APPROVED June 15, 1883.

FENCES.

HEDGES ALONG HIGHWAYS.

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| <p>§ 1. Hedge fences along highways not to exceed five feet in height—wind-brakes for stock.</p> <p>§ 2. Penalties for violation of this act—fines paid into district road fund.</p> | <p>§ 3. Hedges of non-resident owners of land to be trimmed by the Commissioners of Highways and the expenses charged and collected as delinquent taxes.</p> |
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AN ACT concerning hedge fences along the public highways in this State.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the owner or owners of any hedge fence along the line of any public highway in this State, shall during the year next after such hedge shall have attained the age of seven years, cut back or trim such hedge fence, to a height not to exceed five feet, and shall, at least once in every two years thereafter, cut back or trim such hedge fence, so that the same shall not exceed the height of five feet, so that such public highways shall not be obstructed or impaired in usefulness or convenience, nor the public health be injured or jeopardized by such hedge fence: *Provided*, that the provisions of this section shall not apply to any hedge protecting either an orchard or building: *Provided further*, that upon application by the owner of any hedge fence along any highway, to the commissioners of highways of the town where situated, in counties under township organization, or to the supervisors of highways in the road district where situated in counties not under township organization, said commissioners of highways, or supervisors of highways, as the case may be, shall permit said owner to grow a hedge fence, not to exceed one-fourth of the total length of hedge fence along the highway, on each farm of said owner, to any height desired by said owner as a windbreak for stock.

§ 2. If the owner or owners of any such hedge fence shall fail or refuse to comply with the provisions of this act, on or before the fifteenth day of May in the year that said hedge should be cut, the said owner or owners shall be subject to a fine not less than ten dollars (\$10) nor more than fifty dollars (\$50) in each and every year failing to comply with the provisions of this act. Said fine may be recovered, with cost of suit, against the owner or owners of such hedge fence, before any justice of the peace, or other court of competent jurisdiction, of the county in which such hedge is situated, by suit in the name of the commissioners of highways of the township in the counties under township organization, or supervisors of highways of the road district in counties not under township organization, in which such hedge fence may be situated; said fine to be applied for the use of the road district in which such hedge fence may be situated.

§ 3. That when the owner or owners of such hedge fence do not reside in the county where such hedge fence is situated, and refuse or neglect to cut, or cause the same to be cut, it shall be the duty

of such commissioners, or supervisors of highways, to cut or cause such hedge fence to be cut or trimmed, at any time after the fifteenth day of May in each and every year, as is required by this act. The cost of cutting or trimming, and all costs that may accrue by cutting or trimming such hedge fence, may be returned by the commissioners or supervisors of highways as delinquent road tax against the land on which such hedge fence may be situated, to be collected the same as other tax.

APPROVED June 21, 1883.

GUARDIAN AND WARD.

VISITATION OF MINORS IN CERTAIN CASES.

§ 1. Amend section 4, act 1872, by adding the proviso concerning visitation of minors by certain persons.

AN ACT to amend section four of an act entitled "*An act in regard to guardians and wards,*" approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four of an act entitled "*An act in regard to guardians and wards,*" approved April 10, 1872, in force July 1, 1872, be amended so as to read as follows:

"Section 4. The guardian of a minor shall have, under the direction of the court, the custody, nurture and tuition of his ward, and the care and management of his estate. But the father of the minor, if living, and in case of his death, the mother, they being respectively competent to transact their own business, and fit persons, shall be entitled to the custody of the person of the minor and the care of his education. In case the father and mother shall live apart, the court may, for good reason, award the custody and education of the minor to the mother or other proper person: *Provided*, that whenever any person or persons shall make any settlement upon or provision for the support and education of any minor child, it shall be competent for the court, in case either the father or mother of such child be dead, to make such order in relation to the visitation of such minor child by such person or persons so making such settlement or provision, as shall to the court seem meet and proper."

APPROVED June 25, 1883.

INSURANCE—FIRE.

FOREIGN COMPANIES.

§ 1. Deposits for protection of policy holders—appointment of attorney upon whom service of process may be had—withdrawal of company from this State—statements of condition of company to be filed with Auditor—certificates of authority to do business in this State given by Auditor—penalties for violation of this act.

AN ACT to govern foreign fire, marine and inland navigation insurance companies, doing business in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall not be lawful for any insurance company, association, partnership or organization, incorporated by, or organized, or doing business under the laws of any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless the sum of at least two hundred thousand dollars (\$200,000), in stocks of the United States or of the State of Illinois, reckoned at par, or in bonds and mortgages on improved unincumbered real estate in the State of Illinois worth fifty per cent. more than the amount loaned thereon, shall be deposited with the insurance department of one of the States of the United States, for the benefit and security of all policyholders in the United States, which said deposit shall, for the purposes of this act, be known as the capital of said company for the United States; and any such company desiring to transact any such business as aforesaid, by any agent or agents, in this State, shall first appoint an agent in this State, on whom process of law can be served, and file in the office of the Auditor of Public Accounts a written instrument, duly signed and sealed, certifying such appointment, which shall continue until another attorney be substituted; and any process issued by any court of record in this State, and served upon such attorney by the proper officer of the county in which such attorney may reside or may be found, shall be deemed a sufficient service of process upon such company, but service of process upon such company may also be made in any other manner now provided by law. In case any such insurance company or association shall cease to transact business in this State according to the laws thereof, the agents last designated or acting as such for such corporation, shall be deemed to continue agents for such corporation for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this State, and service of such process for the causes aforesaid, upon any such agent, shall be deemed a valid personal service upon such corporation. And every such company, association or partnership shall file a copy of their charter, deed of settlement or article of association, together with a statement, under oath, of its president or vice-president, or other chief officer or resident manager, stating the name of the company, association or partnership, and place where located, the amount of its capital and assets in detail deposited and held in the United States, including

the amount of cash on hand, in bank or in the hands of agents, the amount of real estate and how much the same is incumbered, the number of shares of stock of every kind owned by it, the par and market value of the same, amount loaned on bond and mortgage, the amount loaned on other security, stating the kind and amount loaned on each, and the estimated value of the whole amount of such securities and assets; such statement shall not, however, include any deposits in any of the United States not made for the benefit and protection of all policyholders throughout the United States, nor shall any special deposits for the exclusive protection and benefit of policyholders in any one State, be treated as assets of said company under this act; said statement shall also state the indebtedness of the company, the amount of its losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by it as illegal and fraudulent, and all other claims existing against it in the United States. And no agent shall be allowed to transact business for any such company, association or partnership whose capital, deposited as aforesaid, is impaired to the extent of twenty per cent. thereof, while such deficiency shall continue, and every such company, association or partnership may, if it desires, also file a statement, under the oath of its president or vice-president, or other chief officer, of the amount of its capital and assets in detail held or deposited in any country other than the United States, showing the amount of cash on hand, in bank or in the hands of agents, the amount of real estate and how much the same is encumbered by mortgage, the number of shares of stock of every kind owned by the company, the par and market value of the same, amount loaned on bond or mortgage, the amount loaned on other securities, stating the kind and amount loaned on each, and the estimated value of the whole amount of such securities and other assets, together with its indebtedness, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by it as illegal and fraudulent, and all other claims existing against it in the United States or elsewhere. And when any such company or association shall file with the Auditor of Public Accounts a certificate of the superintendent of the insurance department of any other State, stating that a deposit of two hundred thousand dollars (\$200,000), or more, or its equivalent, for the protection of the policyholders in the United States, has been made by said company or association in that State in accordance with the existing laws of said State, said company or association shall not be required to make any deposit in this State, so long as said deposit shall remain intact with the insurance department or treasurer of said State, a certificate of which, from the superintendent of the insurance department of that State, shall be annually filed with the Auditor of Public Accounts of this State, and so long as such company, association or partnership shall continue solvent and continue possessed of such capital in the United States and comply with the laws of this State, it may make insurance on dwelling houses, stores, and all kinds of buildings, and upon household furniture and other property, against loss or damage by fire and the risks of inland navigation and transportation, and transact

a general insurance business. It shall not be lawful for any agent or agents to act for any company, or association or partnership referred to in this section, directly or indirectly, in taking risks or transacting the business of fire and inland insurance in this State, without procuring from the Auditor of Public Accounts a certificate of authority, stating that such company has complied with all the requisitions of this act; and the name of the attorney appointed to act for the company, association or partnership. The statement and evidences of capital required by this section shall be renewed from year to year, in such manner and form as may be required by said Auditor, with an additional statement of the amount of premiums received and losses incurred in this State during the preceding year, so long as such agency continues; and the said Auditor, on being satisfied that such capital, securities and investments remain secure, as hereinbefore provided, shall furnish a renewal of the certificates as aforesaid. Any violation of any of the provisions of this act, shall subject the person violating the same to a penalty of five hundred dollars for each violation, and the additional sum of one hundred dollars for each month during which any such agent shall neglect to file such affidavits and statements as are herein required. Every agent of any insurance company, association or partnership, herein referred to, shall, in all advertisements of such agency, publish its location, giving the name of the city, town or village where its principal or home office is located, and the government under the laws of which it is organized or does business. The term "agent" or "agents" used in this section, shall include any acknowledged agent, surveyor, broker, or any other person or persons who shall in any manner aid in transacting the business of any insurance company not incorporated by the laws of one of the United States. The provisions of this section shall apply to all foreign companies, partnerships, associations, and individuals, whether incorporated or not. The statement and evidences of investment required by this act shall be renewed annually, in the month of January of each year, the statement of capital and business in the United States to be verified by the resident manager, and to be made out for the year ending December 31st, immediately preceding; and in case a statement of the business affairs and property of the home office is filed, such statement shall also be for the year ending December 31st, next preceding; and the Auditor of State, on being satisfied that the capital, securities and investments remain secure, shall furnish a renewal of such certificate. Unless a home office statement of the capital and affairs of any company or association is filed with the Auditor of Public Accounts as herein provided, neither it nor any agent shall be permitted to advertise any capital or assets not held or deposited in the United States; nor shall such company or association, or its agent or agents, be permitted to advertise as capital deposited in the United States a greater sum than the actual value thereof.

All acts or parts of acts in conflict herewith are hereby repealed.

APPROVED June 18, 1883.

TOWNSHIP.

- § 1. Amends section 7, act 1874, by permitting non-residents to insure and become members of such companies, even though they may not be residents of the county in which the company is situated.

AN ACT to amend section seven of an act entitled "*An act to revise the law in relation to township insurance companies,*" approved March 24, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seven of an act entitled "*An act to revise the law in relation to township insurance companies,*" approved March 24, 1874, and in force July 1, 1874, be amended to read as follows:

"Section 7. Any person owning property in the district for which any such company is formed, may become a member of such company by insuring therein, and shall be entitled to all the rights and privileges appertaining thereto; but a person not residing within the district for which the company is formed shall not become a director of such company."

APPROVED June 18, 1883.

INSURANCE—LIFE.

ASSESSMENT PLAN FOR BENEFIT OF REPRESENTATIVES OF DECEASED MEMBERS.

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| <p>§ 1. Authorizes associations or societies to incorporate.</p> <p>§ 2. Application submitted to Auditor for approval.</p> <p>§ 3. Upon filing application papers in the office of Secretary of State he shall issue certificate of incorporation, which shall be filed in the recorder's office in the county in which the principal office is located.</p> <p>§ 4. Powers.</p> <p>§ 5. Management.</p> <p>§ 6. Assessment notices—benefit fund shall not be used for other purposes.</p> <p>§ 7. Procuring certificates of membership by fraud or misrepresentation—penalties.</p> <p>§ 8. Surplus fund.</p> <p>§ 9. Annual reports to Auditor—exemptions.</p> <p>§ 10. Auditor may examine books and papers to verify report.</p> | <p>§ 11. Associations may request examination of affairs by Auditor.</p> <p>§ 12. Failure to make annual reports, or making fraudulent statements, shall be cause for action in the courts for removal of officers or dissolution of the corporation.</p> <p>§ 13. Penalties for refusal or neglect to comply with the provisions of this act, or for inducing any person to become a member of any such corporation not complying.</p> <p>§ 14. First statement or report of condition to the Auditor to be made Sept. 1, 1883.</p> <p>§ 16. Corporations of similar character and similar purpose organized in other States—license—service.</p> <p>§ 16. Annual fees—in default of payment license shall be revoked—penalties for failure to comply with the law—Auditor authorized to inquire into solvency.</p> <p>§ 17. Repeals all laws in conflict.</p> |
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AN ACT to provide for the organization and management of corporations, associations or societies for the purpose of furnishing life indemnity or pecuniary benefits to widows, orphans, heirs, relatives and devisees of deceased members, or accident or permanent disability indemnity to members thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That corporations, associations or societies for the purpose of furnishing life indemnity or pecuniary benefits to the widows, orphans, heirs or relatives by consanguinity or affinity, devisees or legatees of deceased members, or accident or permanent disability indemnity to members thereof, and where members shall receive no money as profit, and where the funds for the payment of such benefits shall be secured, in whole or in part, by assessment upon the surviving members, may be organized, subject to the conditions hereinafter provided.

§ 2. Any five or more persons, citizens of the United States, a majority of whom shall be *bona fide* citizens and voters of this State, may associate themselves together as a body corporate, for which purpose they shall make, sign and acknowledge, before any officer authorized to take acknowledgments of deeds in this State, a certificate of association, in which shall be stated the name or title by which such corporation, association or society shall be known in law; the location of its principal business office (which office must be located in this State); the name and residence of the incorporators; the object of the corporation, with its plan of doing business, clearly and fully defined; the number of its directors, trustees or managers, and the names of those selected to serve until its first annual meeting; the limits as to age of applicants for membership, and whether medical examinations are required; and that *bona fide* applications have been secured for at least \$200,000, by not less than two hundred persons, which certificate of association shall be submitted to the Auditor of Public Accounts, who shall carefully examine the same; and, if he shall find that the objects and purposes are fully and definitely set forth, and are clearly within the provisions of this act, and that the name or title is not the same or does not so closely resemble a title in use as to have a tendency to mislead the public, shall approve the same. If for either of the aforesaid, or other good and sufficient reasons, the said Auditor shall be unwilling to approve the certificate of association, he shall immediately inform the incorporators of the fact, stating his objections fully in writing. If the certificate is sufficient and satisfactory, the said Auditor shall indicate his approval thereof under his hand and official seal, and shall forthwith file the same, together with the certificate of association, and other papers accompanying it, in the office of the Secretary of State.

§ 3. Upon the filing of the papers as aforesaid, the Secretary of State shall issue a certificate of organization of the corporation, association or society, making as a part thereof a copy of all papers filed in his office in and about the organization thereof, and duly authenticated under his hand and seal of State; and the same shall be recorded in a book kept for that purpose in the office of the re-

recorder of deeds of the county in which the principal place of business of such corporation, association or society is located.

§ 4. A corporation, association or society organized under the provisions of this act shall be a body corporate and politic, by the name stated in the certificate of organization, and by that name they and their successors may have succession, and shall be persons in law capable of suing and being sued; and may have power to make and enforce contracts in relation to the legitimate business of their corporation, association or society; may have and use a common seal and may change or alter the same at pleasure, and they and their successors in their corporate name shall in law be capable of taking, purchasing, holding and disposing of real and personal estate for the purposes of their association or society; may make by-laws not inconsistent with the constitution and laws of this State or of the United States, which by-laws shall define the manner and form of electing directors, trustees or managers and officers of the corporation, association or society, and the qualifications and duties of the same, with terms of office, not exceeding three years; and, also, the qualifications and privileges of the members thereof.

§ 5. The affairs of all corporations, associations or societies organized or doing business under the provisions of this act, shall be managed by not less than five directors, trustees or managers, a majority of whom shall be residents of the State of Illinois, who shall be elected from and by the members, at such time and place, and for such period not exceeding three years, as may be provided for in the by-laws, and may be eligible for re-election: *Provided*, that as near as practicable an equal number shall be elected each year. Whenever directors, trustees or managers shall be elected, a certificate under the seal of the corporation, giving the name and residence of those elected and the term of their office, shall be recorded in the office of the recorder of deeds where the certificate of organization is recorded. Vacancies in the board of directors, trustees or managers shall be filled in the manner provided in the by-laws, and upon filling any vacancy a like certificate shall be recorded.

§ 6. Assessment notices sent to members by any association or corporation doing business under the provisions of this act, shall state the object or objects for which the money to be collected is intended; and no part of the funds collected for the payment of death benefits shall be applied for any other purpose.

§ 7. Any agent, physician or other person, who shall knowingly secure, or cause to be secured, a certificate of membership on any person, without his knowledge or consent, or by means of misrepresentations, false, fraudulent or untrue statements, be instrumental in securing a certificate of membership on any aged or infirm person, or in restoring to membership any person not in an insurable condition, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than \$120, nor more than \$1,000, or [be] imprisoned in the county jail not less than thirty days nor more than one year, or both, in the discretion of the court; and said certificate or renewal, so secured, shall be absolutely void.

§ 8. All corporations, associations or societies transacting business under the provisions of this act, may provide by by-laws for the accumulation of a surplus, general or guarantee fund, which may be invested only in the corporate name of the association or society, in United States, State, county, city or other first-class convertible bonds or stocks, upon which interest has not been in default. Such funds, when so set apart and so invested, shall, with the increase thereof, belong to such corporation, association or society, and not to the directors, trustees, managers or officers thereof; and shall be used only for mortuary benefits, without assessment, or applied in payment of future assessments, or otherwise used for the promotion of the object or objects for which said funds are specially provided and set apart, and such use shall not be deemed or construed to mean a profit received by members within the meaning of the statutes of this State.

§ 9. All corporations, associations or societies organized under the provisions of this act, or that have heretofore been organized within this State, under any charter, compact or agreement or statute of this State, for the purpose of furnishing life, accident or permanent disability indemnity or mortuary benefit on the assessment plan, in accordance with the provisions of the first section of this act, shall not be deemed insurance companies, nor subject to the laws of this State relating thereto, but shall comply with, and conform to all the requirements and provisions of this act; and shall, by their president and secretary, or like officers, make to the Auditor of Public Accounts, annually, on or before the first day of March in each and every year, a statement, under oath, for the year ending on the thirty-first day of December next preceding, upon blanks furnished by the said Auditor, which blanks shall be such as will show its financial condition, assets, liabilities, total amount of indemnity in force, number of members, number whose memberships have terminated during the year, and cause thereof, total receipts and sources thereof, total expenditures and objects thereof, and the average amount paid on each certificate, and shall pay to the said Auditor, upon filing said certificate, a fee of \$5, and the said Auditor shall publish said statement in his annual report: *Provided*, that nothing herein contained shall be held to apply to any organization of a purely social, religious or benevolent character, where no commissions are paid and no salaried officers or agents employed; nor to any local association or society organized under, or subject to the control of a grand or supreme body, nor to any secret organization having subordinate lodges or councils which has been organized under the laws of this or any other State, and which is now permitted to do business in this State.

§ 10. The Auditor of Public Accounts shall have authority, in person or by an expert for that purpose appointed, to verify the statements aforesaid, by examination of the books and papers of the corporation, and make such other examination as he may deem necessary. The expense of such examination shall be paid by the corporation, association or society having its books examined, and shall not exceed the necessary traveling and hotel expenses of said Auditor or expert.

§ 11. The Auditor of Public Accounts shall, at the request of any corporation, association or society doing business under the provisions of this act in this State on the assessment plan, make an examination of such corporation, and shall furnish a certificate of the results of such examination, showing all its assets, and how invested, and such other particulars as may be deemed necessary to show the character and condition of said corporation, and the necessary expense of the said examination shall be paid by the corporation requesting the same.

§ 12. Whenever any corporation, association or society organized or having transacted business under the provisions of this act, shall neglect or refuse to make its annual statements as required by this act, or whenever the said Auditor shall find, upon examination as provided in section 10 of this act, that any willfully, false or untrue statements in any material respect have been made, or that the business of the corporation, association or society has been conducted fraudulently, or in willful violation of any of the provisions of this act, or that the corporation has transacted business different from that authorized by its certificate of incorporation, he shall communicate the fact to the Attorney General, whose duty it shall be to apply to the Circuit Court where its principal office is located, for an order requiring the officers, or directors, trustees or managers of such corporation, to show cause why they should not be removed from office, or its business closed; and the court shall thereupon hear the allegations and proofs of the respective parties, and if it shall appear to the satisfaction of the said court that any one or more of them have been guilty of fraud or any material irregularity or violation of law to the injury of the said corporation, association or society, or of non-compliance with any of the provisions of this act, the court shall decree a removal from office of the guilty party or parties, which decree shall forever debar him or them from holding a similar office, and shall substitute a suitable person or persons to serve until the regular annual meeting, or until a successor or successors are regularly chosen or elected; or if it shall appear to the said court that the interests of its members or the general public so require, the court may decree a dissolution of such corporation, association or society, and a distribution of its effects.

§ 13. Any officer, director, trustee or manager, or any other person having charge of the books and papers of any corporation conducting business under the provisions of this act, who shall willfully neglect or refuse to comply with the provisions of this act, shall be subject to a fine of not less than \$10 nor more than \$100 for each offense. Any person who shall act as agent, or be instrumental in securing or inducing any person to become a member of any assessment plan corporation, association or society that has not complied with the provisions of this act, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$10 nor more than \$50 for each offense, and shall be imprisoned in the county jail located in the county where the conviction is secured, until such fine is paid, not exceeding thirty days for each conviction.

§ 14. The first statement to the Auditor of Public Accounts, as required under the provisions of section 9 of this act, shall be made on or before the first day of September, A. D. 1883, and shall embrace all the facts required by the provisions of this act, from the date of organization up to the thirty-first day of December, A. D. 1882. Any corporation, association or society failing or refusing to make the statement, required by this section, within the time specified, shall be proceeded against in the same manner and shall be subject to the same penalty as provided in section 12 of this act.

§ 15. Any corporation, association or society organized under the laws of any other State or government, except secret societies having subordinate lodges or councils, and which are now permitted to do business in this State for the purpose of furnishing life, accident or permanent disability indemnity upon the assessment plan, where benefits are paid to such as have an insurable interest only, or that is carrying on the business of life or accident insurance on the assessment plan, as provided in section 1, complying with the provisions of this act, shall be licensed by the Auditor of Public Accounts, upon the payment to him of a fee of \$25, to do business in this State: *Provided*, such corporation, association or society shall first deposit with the said Auditor a certified copy of its charter, or articles of incorporation, a copy of its statement of business for the preceding year, sworn to by its president and secretary, or like officers, showing a detailed account of expenses and income, the amount of life indemnity in force, its assets and liabilities in detail, number of members, and a certificate sworn to by the president and secretary, or like officers, setting forth that an ordinary assessment upon its members is sufficient to pay its maximum certificate of membership to the full limit named therein; a certificate from the State official charged with the enforcement of the insurance laws, or, if there be no such official, a certificate from the Attorney General of its home State, certifying that corporations, associations or societies furnishing life indemnity on the assessment plan, and whose ordinary assessments are sufficient to pay its maximum certificate in full, and are chartered under the laws of this State, are legally entitled to do business in its home State, a copy of its policy, or certificate of membership, application, and by-laws, which must show that death losses are in the main provided for by assessments upon the surviving members; and it shall legally designate a person or agent residing in this State, to receive service of process for said corporation, or in default of such designation, service of process may be made upon the Auditor of Public Accounts of Illinois, who shall be deemed its agent for that purpose, and he shall immediately notify any corporation thus served.

§ 16. Such corporations, associations or societies shall pay to the said Auditor, upon filing each annual statement, a fee of \$10, and in the event of its failure to make such statement on or before the first day of March of each year, the Auditor shall revoke its license, and thereafter, or until such statement is made, it shall be deemed to be doing business unlawfully in this State. When the Auditor of Public Accounts shall have reason to doubt the solvency of any foreign corporation, association or society, acting under the

provisions of this act, and when he is not fully satisfied with the certificate of the Insurance Commissioner, or other like officer, he may proceed to make an examination, as provided in this act, for the examination of corporations organized in this State; and should he find that it has made fraudulent or untrue statements, or that it is conducting its business in an irregular and illegal manner, or if he shall be of the opinion that any such corporation is, in this State, conducting its business fraudulently, or is not in good faith carrying out its contracts with its members in this State, he shall report the same to the Attorney-General, who shall thereupon commence proceedings by writ of *quo warranto* against such corporation or association, requiring it to show cause why its license to do business in this State should not be revoked. And any such foreign corporation or association now doing business in this State, that shall refuse or neglect to comply with the provisions of this act, within the space of ninety days after passage thereof, shall be deemed to be doing business unlawfully; and if any officer, agent or employé of any such corporation or association shall do business in this State, or assist in, or knowingly permit the same, unless such corporation or association has complied with the provisions of the laws of this State applicable to the same, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$50 nor more than \$1,000, or [be] imprisoned in the county jail not less than thirty days nor more than one year, or both, in the discretion of the court.

§ 17. All laws or part of laws in conflict with this act are hereby repealed.

APPROVED June 18, 1883.

JUDGMENT AND EXECUTION.

SHARES OF STOCK.

§ 1. Amends section 52, act 1872, by making shares of stock held as collateral liable to execution in excess of the amount for which they may be pledged.

AN ACT to amend section fifty-two (52) of an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section fifty-two of an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the re-

demption of real estate sold under execution or decree," approved March 22, 1872, be, and the same is hereby amended to read as follows:

"Sec. 52. The share or interest of a stockholder in any corporation may be taken on execution, and sold as hereinafter provided; but in all cases, where such share or interest has been sold or pledged in good faith for a valuable consideration, and the certificate thereof has been delivered upon such sale or pledge, such share or interest shall not be liable to be taken on execution against the vendor or pledgor, except for the excess of the value thereof over and above the sum for which the same may have been pledged and the certificate thereof delivered."

APPROVED June 22, 1883.

JURORS.

SERVICE OF SUMMONS.

§ 1. In serving jurors by copy of summons, it is only necessary to insert in the summons the name of the juror served. Amends section 11, act 1874.

AN ACT to amend section eleven (11) of an act entitled "*An act concerning jurors, and the repeal of certain acts therein named,*" approved and in force February 11, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eleven (11) of an act entitled "*An act concerning jurors, and the repeal of certain acts therein named,*" approved and in force February 11, 1874, be and it is hereby amended so as to read as follows:

"Sec. 11. It shall be the duty of the sheriff to execute the summons by reading the same or delivering a copy thereof to, or at the usual place of abode of, each of the persons directed to be summoned to constitute the jury as aforesaid, and to make return thereof on or before the return day, to the clerk of the court in which said jurors are to serve, with an endorsement thereon, certifying on whom it has been executed, and the time when; and in default of so doing, such sheriff or other officer shall be considered as guilty of a contempt, and may be fined, for the use of the proper county, in any sum not less than \$10 nor more than \$2.00; and it shall be the duty of the court, upon the return of such summons, to inquire into the cause of any failure to serve any such juror, and unless he shall find that the sheriff has used proper diligence to serve such juror, he shall inflict the fine aforesaid. In a copy of said summons it shall not be necessary to enter the names and res-

idences of all the jurors, but shall be sufficient to recite the name and residence of the person to be served by such copy, and adding thereto: 'among others, as set forth in the original summons.'"

APPROVED June 23, 1883.

LIBRARIES.

§ 1. Amends section 1 of act 1872, by increasing annual tax in cities of over 100,000 inhabitants to one-half mill on the dollar.

§ 2. Emergency.

AN ACT to amend section one (1) of "*An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms,*" approved and in force March 7, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of "*An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms,*" approved and in force March 7, 1872, be amended so that the same shall read as follows:

"Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council of each incorporated city shall have the power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one mill on the dollar annually, and in cities of over one hundred thousand inhabitants not to exceed one-half of a mill on a dollar annually, on all the taxable property in the city; such tax to be levied and collected in like manner with the general taxes of said city, and to be known as the 'Library fund;' and the said annual library taxes in cities of over one hundred thousand inhabitants, shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of '*An act for the incorporation of cities and villages,*' approved April 10, 1882."

§ 2. Whereas it is desirable to enable the city council of Chicago to make an adequate appropriation in the current tax levy for the support of the public library of Chicago, an emergency therefore exists, and this act shall take effect and be in force from and after its passage.

APPROVED March 20, 1883.

MINES AND MINING.

WEIGHING COAL AT MINES.

§ 1. Mine owners and operators required to provide track scales, when practicable, and platform scales in other cases.

§ 2. All coal produced shall be weighed in such scales, and the weight shall determine the basis for wages of miners.

AN ACT to provide for the weighing of coal at the mines.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the owner, agent or operator of each and every coal mine or colliery in this State shall furnish, or cause to be furnished, and placed upon the switch or railroad track adjacent to said coal mine or colliery, a "track scale" of standard manufacture, and shall weigh all coal hoisted from said mine or colliery before or at the time of being loaded on cars, wagons, or other vehicle of transportation: *Provided*, that in cases where track scales cannot be used, or the product of such mine or colliery will not justify the expense of a track scale, the owner, agent or operator of same shall be permitted to furnish (in lieu of a track scale) a platform scale of sufficient capacity to weigh each box as it is hoisted from such mine or colliery.

§ 2. All coal produced in this State shall be weighed on the scales as above provided; and the weight so determined shall be considered the basis upon which the wages of persons mining said coal shall be computed.

§ 3. It shall be lawful for the miners employed in any coal mine or colliery in this State, to furnish a check weigher at their own expense, whose duty it shall be to balance said scales and see that the coal is properly weighed, and keep a correct account of same, and for this purpose he shall have access at all times to the "beam box" of said scale while such weighing is being performed. That the agent employed by persons mining coal, to act as check weighman, shall be an employé in the mines where the coal to be weighed was produced, [and] a citizen of the State and county wherein the mine is situated. He shall, on application to the owner, agent or operator of the mine producing the coal to be weighed, be furnished with a written permit, that shall entitle him to enter and remain in the room or place where the accounting by him of the weights of coal is to be done, and the said permit shall not be transferable: *Provided*, that the provisions of this act shall apply only to coal miners doing business on and shipping coal by railroad or by water.

§ 4. Any person, owner or agent, operating a coal mine or colliery in this State, who shall fail to comply with the provisions of this act, or any person who shall obstruct or hinder the carrying out of its requirements, shall be deemed guilty of a misdemeanor, and punished accordingly.

APPROVED June 14, 1893.

HEALTH AND SAFETY OF MINERS.

- § 1. Amends section 4, act 1879, by adding the proviso concerning emitting of smoke from furnace into slope or shaft, and adds sections 18 and 19.
- § 18. Fire-proof buildings and hoisting apparatus at mouth of shaft—penalties for violation.

- § 19. Miners shall use copper needles and copper-tipped tamping bars for preparing blasts—penalties for violation.

AN ACT to amend section four (4) of “An act providing for the health and safety of persons employed in coal mines,” and to further amend said act by adding thereto sections to be numbered eighteen (18) and nineteen (19), approved May 28, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section four (4) of an act entitled “An act providing for the health and safety of persons employed in coal mines,” be and is hereby amended to read as follows, and that said act be and is hereby amended by adding thereto the following sections, numbered eighteen (18) and nineteen (19):

“Sec. 4. The owner, agent or operator of every coal mine, whether operated by shaft, slope or drift, shall provide and maintain for every such mine a sufficient amount of ventilation, to be determined by the inspector, at the rate of one hundred cubic feet of air per man per minute, measured at the foot of the down cast, which shall be forced and circulated to the face of every working place throughout the mine, so that said mine shall be free from standing gas of whatsoever kind; and in all mines where fire-damp is generated, every working place where such fire-damp is known to exist shall be examined every morning with a safety lamp, by a competent person, before any other persons are allowed to enter. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes, it shall be built in such a manner as to prevent the communication of fire to any part of the works, by lining the up-cast with incombustible material for a sufficient distance up from said furnace: *Provided*, it shall not be lawful to use a furnace for ventilating purposes, or for any other purpose, that shall emit smoke into any compartment constructed in or adjoining any coal hoisting shaft or slope, where the hoisting shaft or slope is the only means provided for the ingress or egress of persons employed in said coal mines. That it shall be unlawful where there is but one means of ingress and egress provided at a coal shaft or slope, to construct and use a ventilating furnace that shall emit smoke into a shaft as an up-cast, where the shaft or slope used as a means of ingress and egress by persons employed in said coal mines is the only means provided for furnishing air to persons employed therein.”

Sec. 18. (Buildings to be sided and covered with fire-proof materials.) That all mines hoisting coal by steam power from shaft or slope, having no other means of ingress or egress than that afforded to persons employed therein than by said shaft or slope, shall, within ninety

days after July the first, A. D. 1883, have all engine and boiler-houses roofed and sided with fire-proof materials, and they shall be situated not less than fifty feet from the mouth of the said shaft or slope; that the hoisting derricks erected over said hoisting shaft or near said slope, if inclosed, and all the coal chutes, buildings and constructions within a radius of fifty feet of the mouth of the said hoisting shaft or slope, shall be covered and sided with fire-proof materials, and the person in charge, the owners or operators thereof, shall provide a steam pump and have the same conveniently situated, and a sufficient supply of water and hose, always ready for use in any part of the buildings, chutes or constructions within a radius of fifty feet of said coal-hoisting shaft or slope; and if the person in charge of any such coal shaft or slope shall refuse or neglect to comply with the provisions of this act, then the inspector of coal mines for the county in which the said shafts or slope are situated shall proceed, through the State's attorney of his county, or any attorney, in case of his refusal to act, acting in the name and on behalf of the State, against the owner, agent or operator of said shaft or slope, by information without bond, after giving at least two days' notice to such owner, agent or operator; and the said owner, agent or operator shall have the right to appear before the judge or master to whom the application is made, who shall hear the same on affidavits, and such other testimony as may be offered, in support as well as in opposition thereto; and if it be found that the owner, agent or operator of said shaft or slope has refused or neglected to comply with the provisions of this act, the court, or judge in vacation, by order, shall prohibit the further working of any such coal shaft or slope until the owner, agent or operator shall have complied with the terms of this act.

Sec. 19. That all miners and employés engaged in mining coal shall use copper needles, in preparing blasts in coal, and not less than five (5) inches of copper on the end of all iron bars used for tamping blasts of powder in coal, and the use of iron needles, and iron tamping bars, not tipped with five inches of copper, is hereby declared to be unlawful. Any failure on the part of a coal miner, or an employé in any coal mine, to conform to the terms and requirements of this act shall subject such miner or employé to a fine of not less than five dollars, nor more than twenty-five dollars with costs of prosecution, for each offense, to be recovered by civil suit, before any justice of the peace, said fines, when collected, to be paid into the treasury of the county where the offense was committed, to the credit of the fund provided for the payment of the county inspector of mines.

APPROVED June 21, 1883.

HEALTH AND SAFETY OF MINERS.

§ 1. Amends Sec. 1 act 1879 by requiring all mine owners or operators to make maps of mine—inspectors required to furnish copy of maps or plans of mines, to be filed with the Bureau of Labor Statistics.

Amends Sec. 3 by making it apply to all mines, and further prescribing the manner of constructing roadways and escapement shafts.

Amends Sec. 6 by changing the minimum age of children employed in mines to 14 years.

Amends Sec. 9 by making it apply to district instead of county inspectors.

Amends Sec. 11 by substituting a new section dividing the State into inspection districts, providing for the appointment of a board of examiners and the appointment of inspectors, fixing their salaries and for the appointment of assistant inspectors.

Amends Sec. 12 by providing that reports of inspectors shall be made to the Bureau of Labor Statistics—empowering said Bureau to investigate charges of incompetency and misdemeanors on the part of inspectors, and upon conviction to vacate the office—provides for the compensation of examining boards.

AN ACT to amend sections one (1), three (3), six (6), nine (9), eleven (11), and twelve (12), of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved May 28th, 1879, in force July 1st, 1879, and making the necessary appropriations for carrying out the provisions of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), three (3), six (6), nine (9), eleven (11), and twelve (12) of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved May 28th, 1879, in force July 1st, 1879, be amended so as to read as follows:

"Section 1. That the owner, or agent, or operator of each and every coal mine in this State, shall make, or cause to be made, at the discretion of the inspector, or person acting in that capacity, an accurate map or plan of the workings of such coal mine, and of each and every vein thereof, showing the general inclination of the strata, together with any material deflections in said workings, and the boundary lines of said coal mines, and deposit a true copy of said map or plan with the inspector of coal mines, to be filed in his office, and another true copy of said map or plan with the recorder of the county in which said coal mine is situated, to be filed in his office, both of which said copies shall be deposited as aforesaid within three (3) months from the day when this act shall go into effect: and the original, or a copy of such map or plan, shall also be kept for inspection at the office of such coal mine; and during the month of January, of each and every year after this act shall go into effect, the said owner, agent or operator shall furnish the inspector and recorder, as aforesaid, with a statement and further map or plan of the progress of the workings of such coal mine, continued from the last report to the end of the December month just preceding; and the inspector shall correct his map or plan of said workings in accordance with the statement and map or plan thus furnished; and when any coal mine is worked out or abandoned, that fact shall be reported to the inspector, and the map or plan of such coal mine in the office of said inspector shall be carefully corrected and verified. The several coal mine inspectors in this State shall

furnish copies of all maps or plans of mines to be filed with the Bureau of Labor Statistics.

“Sec. 3. In all coal mines that are or have been in operation prior to the first day of July, in the year of our Lord 1879, and which are worked by or through a shaft, slope or drift, if there is not already an escapement shaft to each and every said coal mine, or communication between each and every coal mine, and some other contiguous mine, then there shall be an escapement shaft or other communication, such as shall be approved by the mine inspector, making at least two distinct means of ingress and egress for all persons employed or permitted to work in such coal mine. Such escapement shaft or other communication with a contiguous mine as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such coal mine, which shall be at least three and one-half feet high and at least five feet wide, and in no instance shall the height of said roadway be less than the thickness of the vein or stratum of coal through which it is driven; and the time to be allowed for such construction shall be one year when such mine is under one hundred (100) feet in depth; two years when such mine is over one hundred (100) feet in depth and under three hundred (300) feet, and three years when it is over three hundred (300) feet and under four hundred (400) feet, and four years when it is over four hundred (400) feet in depth, and five years for all mines over five hundred (500) feet, from the first day of July, A. D. 1879; and in all cases where the working force of one mine has been driven up to or into the workings of another mine, the respective owners of such mine, while operating the same, shall keep open a roadway at least five feet high and five feet wide, thereby forming a communication as contemplated in this act; and for a failure to do so shall be subject to the penalty provided for in section 10 of this act, for each and every day such roadway is unnecessarily closed; each and every such escapement shaft shall be separated from the main shaft by such extent of natural strata as shall secure safety to the men employed in such mines, such distance to be left to the discretion of the mine inspector or person acting in that capacity, and in all coal mines that shall go into operation for the first time after the first day of January, A. D. 1880. And in all cases where such mine or mines shall hereafter be put in operation in this State, the owner thereof or the lessee or occupant of the same shall construct such an escapement shaft as is now required by law in this State, at the rate of two hundred feet per annum, until such escapement shaft shall have been fully completed: *And provided, further,* that nothing in this section shall be construed to extend the time heretofore allowed by law for constructing escapement shafts in mines going into operation for the first time before said first day of January, A. D. 1880.

“Sec. 6. The owner, agent or operator of every coal mine operated by shaft shall provide suitable means of signaling between the bottom and top thereof, and shall also provide safe means of hoisting and lowering persons in a cage covered with boiler iron, so as to keep safe, as far as possible, persons descending into and ascending out of such shaft; and such cage shall be furnished with guides to

conduct it on slides through such shaft, with a sufficient brake on every drum to prevent accident in case of the giving out or breaking of the machinery; and such cage shall be furnished with spring catches intended and provided, as far as possible, to prevent the consequences of cable-breaking or the loosening or disconnecting of the machinery; and no props or rails shall be lowered in a cage while men are descending into or ascending out of said mine: *Provided*, that the provisions of this section in relating to covering cages with boiler iron, shall not apply to coal mines less than one hundred (100) feet in depth, where the coal is raised by horse-power. No person under the age of fourteen years, or females of any age, shall be permitted to enter any mine to work therein. Any party or person neglecting or refusing to perform the duties required to be performed by sections three (3), four (4), five (5), six (6), seven (7) and eight (8), shall be deemed guilty of a misdemeanor, and punished by fine in the discretion of the court trying the same, subject, however, to the limitations as provided by section ten of this act.

"Sec. 9. Whenever loss of life, or serious personal injury, shall occur by reason of any explosion, or of any accident whatsoever, in or about any coal mine, it shall be the duty of the person having charge of such coal mine, to report the facts thereof, without delay, to the mine inspector of the district in which said coal mine is situated; and if any person is killed thereby, to notify the coroner of the county also, or, in his absence or inability to act, any justice of the peace of said county; and the said inspector shall, if he deem it necessary from the facts reported, immediately go to the scene of said accident, and make such suggestions and render such assistance as he may deem necessary for the safety of the men. And the inspector shall investigate and ascertain the cause of such explosion or accident, and make a report thereof, which he shall preserve with the other records of his office; and to enable him to make such investigations he shall have the power to compel the attendance of witnesses, and administer oaths or affirmations to them, and the cost of such investigations shall be paid by the county in which such accident has occurred, in the same manner as costs of coroners' inquests are now paid. And the failure of the person in charge of the coal mine in which any such accident may have occurred, to give notice to the inspector or coroner, as provided for in this section, shall subject such person to a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), to be recovered in the name of the People of the State of Illinois, before any justice of the peace of such county, and such fine, when collected, shall be paid into the county treasury for the use of the county in which any such accident may have occurred.

"Sec. 11. This State shall be divided into five inspection districts, as follows, viz: The first district shall be composed of the counties of Boone, McHenry, Lake, DeKalb, Kane, DuPage, Cook, LaSalle, Kendall, Grundy, Will, Livingston, Kankakee and Iroquois. Second district, the counties of JoDaviess, Stephenson, Winnebago, Carroll, Ogle, Whiteside, Lee, Rock Island, Henry, Bureau, Mercer, Stark, Putnam, Marshall, Henderson, Warren, Knox, Hancock, McDonough,

Schuyler, Adams and Brown. The third district, the counties of Fulton, Peoria, Woodford, Tazewell, McLean, Ford, Mason, Cass, Menard, Logan, DeWitt, Piatt, Champaign and Vermilion. The fourth district, the counties of Pike, Scott, Morgan, Sangamon, Calhoun, Greene, Jersey, Madison, Bond, Macoupin, Montgomery, Christian, Fayette, Macon, Moultrie, Shelby, Effingham, Douglas, Coles, Cumberland, Jasper, Edgar, Clark, Crawford, Clay, Richland and Lawrence. The fifth district, the counties of St. Clair, Clinton, Washington, Marion, Jefferson, Wayne, Edwards, Wabash, Hamilton, White, Monroe, Randolph, Perry, Jackson, Franklin, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski and Massac. The Governor shall, upon the recommendation of a board of examiners selected for that purpose, composed of two practical coal miners, two coal operators, and one mining engineer, to be appointed by the Bureau of Labor Statistics of this State, all of whom shall be sworn to a faithful discharge of their duties, appoint five properly qualified persons to fill the offices of inspectors of coal mines of this State, (being one inspector for each district provided for in this act,) whose commissions shall be for the term of one year, but they shall at all times be subject to removal from office for neglect of duty, or malfeasance in the discharge of duty, as hereinafter provided for; and the inspectors so appointed shall have attained the age of thirty years, be citizens of this State, and have a knowledge of mining engineering sufficient to conduct the development of coal mines, and a practical knowledge of the methods of conducting mining for coal in the presence of explosive gases, and of the proper ventilation of coal mines. They shall have had a practical mining experience of ten years, and shall not be interested as owner, operator, stockholder, superintendent or mining engineer of any coal mine during their term of office, and shall be of good moral character and temperate habits, and shall not be guilty of any act tending to the injury of miners or operators of mines during their term of office. They shall be provided by the State with the most approved modern instruments for carrying out the intentions of this act. The inspectors, before assuming the duties of their several offices, shall take an oath of office as provided for by the constitution, and shall be required to enter into a bond to the State in the sum of five thousand dollars (\$5,000), with sureties to be approved by the Governor, conditioned upon the faithful performance of their duties in every particular, as required by this act; said bond, with the approval of the Governor endorsed thereon, together with the oath of office, shall be deposited with the Secretary of State. The salaries of the inspectors provided for by this act shall be eighteen hundred dollars (\$1,800) per annum, each, and the Auditor of Public Accounts is hereby authorized to draw his warrant on the treasury in their favor, quarterly, for the amount specified in this section for the salary of each inspector: *Provided*, that the county board of any county may appoint an assistant inspector for such county, who shall act under the direction of the district inspector in the performance of his duties, and shall receive not less than three dollars (\$3) nor more than five

dollars (\$5) per day, for the time actually employed, to be paid out of the county treasury; and he may be removed by such county board at any time.

"Sec. 12. The inspectors provided for by this act shall devote their whole time and attention to the duties of their office, and make personal examination of every mine within their respective districts, and shall see that every necessary precaution is taken to insure the health and safety of the workmen employed in such mines, and that the provisions and requirements of the mining laws of this State are faithfully observed and obeyed, and the penalties of same enforced. They shall also make annual reports to the Bureau of Labor Statistics of their acts during the year in the discharge of their duties, with the recommendations as to legislation necessary on the subject of mining, and shall collect and tabulate upon blanks furnished by said Bureau all desired statistics of the mines and miners within their districts, to accompany said annual report; they shall also furnish such information as they may have obtained on this subject, when called for, to the State Geologist. Upon a petition signed by not less than three reputable coal operators, or ten coal miners, setting forth that any inspector of coal mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, it may be lawful for the Bureau of Labor Statistics of this State to issue a citation to the said inspector to appear at no less than fifteen days' notice, on a day fixed, before them, when the said Bureau shall proceed to inquire into and investigate the allegations of the petitioners; and if the said Bureau find that the said inspector is neglectful of his duty, or that he is by reason of causes that existed before his appointment, or that have arisen since his appointment, incompetent to perform the duties of said office, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, the said Bureau shall declare the office of inspector of the said district vacant, and a properly qualified person shall be appointed to fill the office in compliance with the provisions of this act; and the cost of said investigation by the said Bureau shall be borne by the removed inspector; but if the allegations of the petitioners are not sustained by the final decision of said Bureau, the costs shall be paid by the petitioners. The board of examiners provided for in section eleven of this act, shall be appointed at the annual meeting of the Bureau of Labor Statistics, and shall hold their offices one year. They shall meet annually at the State capital on the first Monday in September, in each year, and special meetings may be called at any time by the Bureau of Labor Statistics when the office of coal mine inspector becomes from any cause vacant. They shall receive as compensation the sum of three dollars (\$3) per day, each, for time actually employed in the duties of their office, and actual traveling expenses, to be verified by affidavit: *Provided*, that in no case shall the per diem received by any member of said board exceed the sum of thirty dollars (\$30) per annum. The Auditor of Public Accounts is hereby authorized to draw his warrant in favor of each member of the board of exam-

iners at the close of their annual session, for the full amount due them for attending annual and special sessions, and expenses, upon vouchers sworn to by them and approved by the Secretary of the Bureau of Labor Statistics, and the Governor."

APPROVED June 18, 1883.

MUNICIPAL CORPORATIONS.

BOND FUND.

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| <p>§ 1. Surplus in State Treasury to credit of funds authorized to be drawn.</p> <p>§ 2. Prescribes the manner in which balance shall be refunded.</p> | <p>§ 3. Emergency.</p> |
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AN ACT making provision for the refunding of surplus funds that are now or hereafter may be in State treasury, to the credit of the bond funds of counties, townships, cities, towns, school districts and other municipal corporations, having bonds registered in the office of the Auditor of Public Accounts, when such bonds have been paid and cancelled.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever all the bonds of any county, township, city, town, school district or other municipal corporation, that may have been registered, in pursuance of law, in the office of the Auditor of Public Accounts, have been paid, and cancelled upon the records of said Auditor, and there remains in State treasury after said payment, any balance to the credit of the bond fund of such county, township, city, town, school district or other municipal corporation, it shall be the duty of the Auditor of Public Accounts, on receipt of certified copy of resolution as provided for in section two (2) of this act, to draw his warrant upon the State Treasurer for the amount of said balance, who is hereby authorized to pay same out of the proper fund.

§ 2. Before any warrant can be drawn for balance in State treasury to the credit of the bond fund of any county, township, city, town, school district or other municipal corporation, it will be necessary for the corporate authorities of such county, township, city, town, school district or other municipal corporation, to pass a resolution requesting the Auditor of Public Accounts to issue his warrant upon State Treasurer for the amount of said balance, payable to the order of the proper custodian of funds of said county, township, city, town, school district or other municipal corporation, who shall be named in said resolution, and to have a certified copy of same furnished said Auditor.

§ 3. Whereas, large sums of money are now idle in the State treasury which ought to be paid back to the municipalities to whose credit the same stand, and there is at present no provision of law for such payment, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 14, 1883.

RAILROAD AID BONDS.

§ 1. Amends the act of 1877 by extending the time until 1883, and by adding the last proviso concerning the revival of aid voted.

AN ACT to amend an act entitled "*An act to limit and determine the time for which counties, cities, townships, towns and precincts in this State shall be liable and holden to issue aid for the building of any railroad in pursuance of any vote taken in conformity to the laws of this State,*" approved May 29, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act to amend an act entitled 'An act to limit and determine the time for which counties, cities, townships, towns and precincts in this State shall be liable and holden to issue aid for the building of any railroad in pursuance of any vote taken in conformity to the laws of this State,' approved May 29, 1877, in force July 1, 1877,*" be amended, so as to read as follows:

"That the liability of all counties, cities, townships, towns or precincts which have voted aid or donations to or subscriptions to the capital stock of any railroad company in conformity to the laws of this State, for the building, or in aid of the building of any railroad to, into, through or near such county, city, township, town or precinct, to issue such voted aid, shall cease and determine upon and after the first day of September, A. D. 1883; and no bonds shall be issued or stock subscribed to any such railroad company after that date upon account of, or upon the authority of such vote: *Provided*, this act shall not apply in any case where the express conditions of the vote for such aid shall extend the time for the building of such railroad beyond the said date: *And, it is further provided*, that this act shall not apply in any case where any railroad shall have been built, or shall, before said date, be built in accordance with the conditions of the vote for aid to such railroad: *And, it is further provided*, that this act shall not apply to any case where such aid shall have been deposited, or shall, before said date, be deposited with any trustee or trustees, upon written or printed conditions, to be delivered to said railroad company at some future time: *Provided, further*, that this act shall not be construed so as to require any county, city, township, town or precinct to issue, pay, or deliver any such aid or bonds where the same may have been voted and subscribed upon any condition or conditions which shall

not be complied with within the time expressed in the notice of election, proceedings or vote authorizing such aid to be paid or given: *Provided, further*, this act shall not be construed to revive the right of any railroad company to have any subscription for stock made, or bonds issued, where such subscription has not been actually and formally made and entered on the subscription books of the company by the proper municipal officer before the passage of this act, but shall revive only such aid as may have been voted by way of donation."

§ 2. Each and every act contrary to the provisions of section 1 of this act, is hereby repealed.

APPROVED June 22, 1883.

NAVIGABLE STREAMS.

SALINE RIVER.

§ 1. Act 1849, declaring navigable, repealed.

AN ACT to repeal an act entitled "*An act declaring the Saline river navigable in Saline county*," approved January 25, 1849, and in force from and after its passage.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act declaring the Saline river navigable in Saline county*," approved January 25, 1849, and in force from and after its passage, be and the same is hereby repealed.

APPROVED June 18, 1883.

PENITENTIARIES.

JOLIET.

§ 1. Commissioners authorized to sell lot in Nebraska City, Nebraska.

AN ACT to authorize the commissioners of Joliet Penitentiary to sell and convey certain real estate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the commissioners of the Joliet Penitentiary are authorized and empowered to sell and convey lot number four (4), in block number one hundred and four (104), in the original survey and recorded plat of Nebraska City, Otoe county, State of Nebraska.

APPROVED June 21, 1883.

RAILROADS.

CONSOLIDATION.

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| <p>§ 1. Railroads owned partly in this State and partly in adjoining States by the same corporation may consolidate upon sixty days' notice being given stockholders — companies owning parallel or competing lines prohibited.</p> | <p>§ 2. Certificate of consolidation to be filed in the office of the Secretary of State, and in the Recorder's offices in counties.</p> <p>§ 3. General offices of consolidated companies to be kept in this State — rights reserved.</p> |
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AN ACT to provide for the consolidation of certain railroad corporations.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Whenever any railroad which is situated partly in this State, and partly in one or more other States, and heretofore owned by a corporation formed by consolidation of railroad corporations of this and other States, has been sold pursuant to the decree of any court or courts of competent jurisdiction, and the same has been purchased as an entirety, and is now, or hereafter may be, held in the name or as the property of two or more corporations incorporated respectively under the laws of two or more of the States in which said railroad is situated, it shall be lawful for the corporation so created in this State to consolidate its property, franchises and capital stock with the property, franchises and capital stock of the corporation or corporations of such other State or States in which the remainder of such railroad is situated, and upon such terms as may be agreed upon between the directors, and approved by the stockholders owning not less than two-thirds in amount of the capital stock of such corporations. Such approval may be given by the stockholders of such corporation of this State at any time, in writing or by vote, at any annual or special meeting, upon sixty days' notice given by publication in any newspaper published in the county where the general office of such company is situated, and such meeting is to be held: *Provided*, that no consolidation shall take place with any railroad owning a parallel or competing line; and a majority of the directors of such consolidated company shall be citizens and residents of this State; and where the line of the road of the original company has been located in this State, and aid in the construction thereof voted by any municipality by way of subscription or donation, and received by the company, and the road as so located not yet completed, then the consolidated company shall have no power or right to change such line as so located so as to make the same substantially different from the line so located at the time the aid was voted.

§ 2. Such consolidation shall take effect upon the filing and recording of such articles of consolidation in the office of the Secretary of State of the State of Illinois, and a certified copy thereof in the office of the recorder of the various counties in which said railroad is situated. A certified copy of such articles of consolidation, under seal of the Secretary of State, shall be deemed and taken to be *prima facie* evidence of the existence of such consolidated corporation.

§ 3. Such consolidated corporation shall, at all times, keep a general office within this State, at which shall be kept a complete list of all stockholders of such corporation, their places of residence, the amount of stock owned by each, and where the stock of such corporation may be registered and transferred: *Provided*, that nothing contained in this bill shall be construed to impair or affect the rights of any party holding unsettled claims against any of the corporations to be consolidated.

APPROVED June 14, 1883.

PASSENGER DEPOTS OPENED.

§ 1. Amends section 22, act 1874, relating to fencing and operating railroads, by requiring railroad companies to keep depots open, lighted and warmed one-half hour before and after departure of passenger trains.

Amends section 23 by prescribing penalties for violation of this provision of law.

AN ACT to amend sections twenty-two (22) and twenty-three (23) of an act entitled "An act in relation to fencing and operating railroads," approved March 31, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections twenty-two (22) and twenty-three (23) of an act entitled "An act in relation to fencing and operating railroads," approved March 31, 1874, in force July 1, 1874, be amended so as to read as follows:

"Sec. 22. Every railroad corporation in the State shall furnish, start and run cars for the transportation of such passengers and property as shall, within a reasonable time previous thereto, be ready or be offered for transportation at the several stations on its railroads and at the junctions of other railroads, and at such stopping places as may be established for receiving and discharging way passengers and freights; and shall take, receive, transport and discharge such passengers and property, at, from and to such stations, junctions and places, on and from all trains advertised to stop at the same for passengers and freight, respectively, upon the due payment, or tender of payment of tolls, freight or fare legally authorized therefor, if payment shall be demanded, and such railroad companies shall at all junctions with other railroads, and at all depots where said railroad companies stop their trains regularly to receive and discharge passengers in cities and villages, for at least one-half hour before the arrival of, and one-half hour after the arrival of any passenger train, cause their respective depots to be open for the reception of passengers; said depots to be kept well lighted and warmed for the space of time aforesaid.

"Sec. 23. In case of the refusal of such corporation or railroad company, or its agents, to take, receive and transport any person or property, or to deliver the same within a reasonable time, at their regular or appointed time and place, or to keep their said depots open, lighted and warmed according to the provisions of the

preceding section of this act, such corporation or railroad company shall pay to the party aggrieved, treble the amount of damages sustained thereby, with costs of suit; and in addition thereto, said corporation or railroad company shall forfeit a sum of not less than twenty-five dollars, nor more than one thousand dollars for each offense, to be recovered in an action of debt, in the name of the People of the State of Illinois—the treble damages for the use of the party aggrieved, and the forfeiture for the use of the school fund of the county in which the offense is committed.”

APPROVED June 25, 1883.

ELEVATED RAILWAYS OR CONVEYORS.

§ 1. Prohibits the use of any street or alley for the purpose of constructing an elevated railroad, except upon petition of property owners, owning more than one-half of the frontage proposed to be used.

§ 2. When more than one mile in extent is proposed to be used the petition must represent more than one half the frontage land-owners or for fractional parts of a mile.

§ 3. Repeals conflicting laws.

AN ACT in regard to the use of streets and alleys in incorporated cities and villages by elevated railroads and elevated ways and conveyors.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person or persons, corporation or corporations, shall construct or maintain any elevated railroad or any elevated way or conveyor to be operated by steam power, or animal power or any other motive power, along any street or alley in any incorporated city or village, except by the permission of the city council or board of trustees of such city or village, granted upon a petition of the owners of the lands representing more than one half of the frontage of the street or alley, or of so much thereof as is sought to be used for such elevated railroad or elevated way or conveyor; and the city council, or board of trustees, shall have no power to grant permission to use any street or alley, or part thereof, for any of the purposes aforesaid, except upon such petition of land-owners as is herein provided for.

§ 2. When the street or alley, or part thereof, sought to be used for any of the purposes aforesaid, shall be more than one mile in extent, no petition of land-owners shall be valid for the purposes of this act, unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and fractional part of a mile, of such street or alley, or of the part thereof sought to be used for any of the purposes aforesaid.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED June 18, 1882.

SOUTH EAST AND ST. LOUIS.

§ 1. Governor authorized to convey tract of land. | § 2. Emergency.

AN ACT to authorize the Governor of the State of Illinois to convey to the South East and St. Louis Railway Company a fraction of land conveyed to the State of Illinois by John Crenshaw, for railroad purposes, in the year 1838.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor is hereby authorized and required to convey to the South East and St. Louis Railway Company a certain fraction of land conveyed to the State of Illinois by John Crenshaw for railroad purposes, in Gallatin county, Illinois, described as follows: All those parts of the north fractional part of the northeast quarter of the northeast quarter of section number twenty (20), and the fractional part of the south half of the east half of the southeast quarter of section seventeen, in township nine (9), range eight (8) east, as established by the Surveyor General of the United States, as contained in the following described boundaries, to-wit: Commencing at a stake corner, at low water mark, on the north side of Saline Creek thirty (30) feet easterly, or down the creek, from center of William Hick's bridge; thence down Saline Creek along the low water mark one hundred and thirty-five (135) feet to a corner stone; thence north twenty (20) degrees west to a stake corner, seventy-five (75) feet beyond and past the corner of the Alton and Shawneetown Railroad line, at right angles with said line; thence south seventy (70) degrees; west, parallel with the railroad track, one hundred and thirty-five (135) feet to the east side of the public highway leading from said bridge to Equality; thence down along the border of said tract or highway to low water mark, the place of beginning. Forty-five (45) feet of the northeast side of said lots are to be appropriated as a public highway forever, containing one acre more or less of ground. And that said South East and St. Louis Railway Company shall use said lands for the purposes of a passenger and freight depot, and stock yards, and none other: *Provided*, this section shall not be construed to deprive said company of such right of eminent domain, as now exists by law.

§ 2. Whereas, it is desirable that the South East and St. Louis Railway Company should have possession to build a depot and stock yards on said fraction of land, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 21, 1883.

STOCK TRANSFER OFFICES.

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| <p>§ 1. Transfer offices and books for transfer and list of stockholders shall be kept in this State.</p> <p>§ 2. Penalties for failure to comply with this law.</p> <p>§ 3. Actions for recovery of fines.</p> | <p>§ 4. Railroad and Warehouse Commissioners charged with the execution of this act, and to prosecute for violation.</p> <p>§ 5. Fines paid into county treasury for county purposes.</p> |
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AN ACT to require railroad corporations to have and maintain a public office or place in the State of Illinois where transfers of stock may be made, and to enforce the provisions of section nine (9), article eleven (11), of the Constitution of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Each and every railroad corporation, organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office, or place in this State for the transaction of its business, where transfers of shares of its stock shall be made by such railroad corporation, upon the request of the owner of shares thereof, presenting the certificate thereof. Every such railroad corporation shall keep a book in which the transfers of shares of its stock shall be registered, and another book containing the names of its stockholders, which book shall be open to the examination of the stockholders.

§ 2. Any railroad corporation, organized or doing business in this State under the laws or authority thereof, failing to comply with the provisions of section one (1), of this act, within ninety (90) days after the taking effect of this act, shall, upon conviction thereof, be fined in any sum not less than one thousand dollars (\$1,000), nor more than two thousand dollars (\$2,000). In case any such railroad corporation shall fail to comply with the provisions of said section one (1), within six months after the taking effect of this act, it shall, upon conviction thereof, be fined in any sum not less than two thousand dollars (\$2,000), nor more than four thousand dollars (\$4,000); and for every year after the taking effect of this act, any such railroad corporation shall fail to comply with the provisions of said section one (1), it shall, upon conviction, be fined not less than four thousand dollars (\$4,000): *Provided*, that in all cases under this act either party shall have the right of trial by jury.

§ 3. The fines hereinbefore provided for, may be recovered in an action of debt in the name of the People of the State of Illinois.

§ 4. It shall be the duty of the Railroad and Warehouse Commissioners to personally investigate and ascertain whether the provisions of this act are violated by any railroad corporation in this State; and whenever the facts in any manner ascertained by said commissioners shall, in their judgment, warrant such prosecution, it shall be the duty of said commissioners to immediately cause suits to be commenced and prosecuted against any railroad corporation which may violate the provisions of this act. Said suits and prosecutions may be instituted in any county in this State, through or into which the line of the railroad corporation sued for violating this act may extend. And such Railroad and Warehouse Commis-

sioners are hereby authorized to employ counsel to assist the Attorney-General in conducting such suit on behalf of the State. No such suits commenced by said commissioners shall be dismissed, except said Railroad and Warehouse Commissioners and the Attorney-General shall consent thereto.

§ 5. All fines recovered under the provisions of this act shall be paid into the county treasury of the county in which the suit is tried, by the person collecting the same, in the manner now provided by law, to be used for county purposes.

APPROVED June 18, 1883.

REVENUE.

GENERAL LEVY FOR STATE PURPOSES.

§ 1. Levy for revenue fund.
§ 2. Levy for school fund.

§ 3. Computation and certificate of rate per cent.

AN ACT to provide the necessary revenue for State purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be raised by levying a tax by valuation upon the assessed taxable property in this State, for the years A. D. 1883 and 1884, for general State purposes, to be designated "revenue fund," the following sums, to-wit:

The sum of one million five hundred thousand dollars (\$1,500,000) for the year eighteen hundred and eighty-three, to be levied on the assessed taxable property in this State, for the year eighteen hundred and eighty-three.

And one million five hundred thousand dollars (\$1,500,000) for the year eighteen hundred and eighty-four, to be levied on the assessed taxable property in this State, for the year eighteen hundred and eighty-four.

§ 2. That there shall also be raised by levying a tax by valuation upon the assessed taxable property in this State, for the year eighteen hundred and eighty-three, to be designated as "State school fund," the sum of nine hundred thousand dollars (\$900,000).

And there shall be raised by levying a tax on the assessed taxable property of this State, for the year eighteen hundred and eighty-four, to be designated as "State school fund," the sum of one million dollars. (\$1,000,000).

There shall be also placed to the credit of said "State school fund," to be used for the year eighteen hundred and eighty-three, the sum of one hundred thousand dollars (\$100,000) of the balance now remaining in the State treasury, to the credit of said fund; said sum to be apportioned among the several counties, as provided for by law.

§ 3. The Governor and Auditor shall annually compute the separate rates per cent. required to produce the above amount, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes, to the contrary notwithstanding. And when so ascertained, the Auditor shall certify to the several county clerks the proper rate per cent. therefor, and also such different rates for other purposes as are now or may hereafter be provided by law to be levied and collected as State taxes. And all laws and parts of laws in conflict with this act are hereby repealed.

APPROVED June 25, 1883.

ROADS, HIGHWAYS AND BRIDGES.

COUNTIES UNDER TOWNSHIP ORGANIZATION.

§ 1. Amends section 107, act 1879, in regard to contracts between adjoining towns,

§ 2. Emergency.

AN ACT to amend section 107 of an act entitled "*An act in regard to roads and bridges in counties under township organization*," approved May 28, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 107 of an act entitled "An act in regard to roads and bridges in counties under township organization," approved May 28, 1879, in force July 1, 1879, is hereby amended so as to read as follows:*

"§ 107. For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the commissioners of highways of such adjoining towns, whether they be in the same or different counties, to enter into joint contracts, and such contracts may be enforced in law or equity against such commissioners jointly, the same as if entered into by individuals; and such commissioners may be proceeded against jointly by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, or for any damages growing out of such neglect. Whenever the commissioners of highways of either of such adjoining towns shall refuse to enter into such joint contract to build and maintain such bridge or bridges, the commissioners of the other town shall petition the supervisor of such town to call a special town meeting to vote upon the proposition as to whether such town shall proceed to build and maintain such bridge or bridges at its own expense. Such petition shall be signed by the commissioners in their official capacity, and by at least twenty-five freeholders of such town, and shall be filed in the office of the town clerk of such town. If such proposed bridge shall require a larger sum of money to complete it than is equal to 20 cents on each of one hundred

dollars of a single year's assessment, the proposition to borrow money to build such bridge may also be included in the proposition to build such bridge. Upon the filing of said petition, the supervisor shall order the town clerk, by an instrument in writing to be signed by him, to post up in four of the most public places in said town, notices of such special town meeting, which notices shall state the object, time and place of meeting, which time shall be not less than fifteen days from the time of posting said notices. The voting shall be by ballot, and if simply the question as to the building of the bridge is submitted, if the voter desires to vote for building the bridge, his ballot shall state, "To build a bridge," and if he desires to vote against the proposition, his ballot shall state, "Against the proposition to build bridge." If the proposition to borrow money to build such bridge shall be included in the notice, the maximum amount to be borrowed shall be stated in the same, and the voter desiring to vote affirmatively shall state on his ballot, "To build bridge, and to borrow money to construct the same;" and if he desires to vote negatively, his ballot shall state, "Against the proposition to build bridge, and to borrow money to construct the same." Such special town meeting shall be held, and the returns thereof made, in the same manner which now is, or hereafter may be provided by law, for the holding of other special town meetings. If the proposition to build such bridge shall receive a majority of all the votes cast at such election, the commissioners shall then have the power to contract for the building of such bridge and approaches thereto, the same as if the bridge was entirely located in such town, and shall have the power to acquire by purchase, lease or gift, any bridge already built, suited to their purpose, or any land upon which to build the approaches, or may use for the purpose of such approaches, any public highway that may lead to the bank of the stream where said bridge is to be built, on either side of said stream, whether such highway may be within the limits of said town or county or not. If a proposition to build such bridge and borrow money to build the same shall receive a majority of the votes cast at such special town meeting, the supervisor and town clerk, under the direction of the commissioners of highways, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town for the purpose of building such bridge and the approaches thereto, or to purchase any bridge already built, as the case may be; said bonds to be of such denominations, bear such rate of interest, not exceeding eight per cent., upon such time, and be disposed of, as the necessities and conveniences of said commissioners may require. Such bonds shall not be sold for less than their par value, and such town shall provide for the payment of such bonds and interest by appropriate taxation."

§ 2. As there are now towns in this State in great need of the authority to build such bridges, and the people of which desire to vote upon the same at the coming April town meeting, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED March 29, 1883.

HARD ROADS.

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| § 1. Provides for special election to vote on levying taxes for constructing hard roads.
2. Form of ballot.
3. How taxes shall be levied.
4. Extension of tax by clerks.
5. Treasurer's bond.
6. Tax paid to Treasurer—commissions of Treasurer.
7. Highway commissioners may employ surveyor.
8. Advertising for proposals.
9. Specifications.
10. Letting contracts by commissioners. | § 11. Proposals may be rejected—contractor's bonds.
§ 12. Estimates on completed work.
§ 13. Records and report of commissioners.
§ 14. District roads.
§ 15. Materials, how procured—condemn land—damages.
§ 16. Compensation of commissioners and surveyors.
§ 17-18. Proceedings in counties not under township organization.
§ 19. All roads constructed under this act declared public.
§ 20. Surplus funds. |
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AN ACT to authorize the construction and maintenance of gravel, rock, macadam or other hard roads.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on the petition of fifty land owners, who are legal voters, of any township to the town clerk thereof, in counties under township organization, or road districts in counties not under township organization, to the county clerk, he shall, when giving notice of the time and place for holding the next annual town meeting or road district meeting, also give notice that a vote will be taken at said election for or against levying a tax not to exceed one dollar on each one hundred dollars assessed valuation of all the taxable property, including railroads, in the township or road districts, for the purpose of constructing and maintaining gravel, rock, macadam or other hard roads; said petition shall state the location and route of the proposed road or roads, not exceeding two; and shall also state the rate per cent., not exceeding one dollar on each one hundred dollars, and the number of years, not exceeding five, for which said tax shall be levied.

§ 2. The ballots at said election shall contain the following form: "For special tax for gravel, rock, macadam or other hard roads," "Against special tax for gravel, rock, macadam or other hard roads."

§ 3. If a majority of all the ballots cast at said election shall be in favor of said special tax, then it shall be the duty of the commissioners of highways of the township or road district to levy a tax in accordance with said vote, and certify the same to the town clerk in counties under township organization, or to the district clerk in counties not under township organization, as the case may be, who shall certify the amount voted to the county clerk, who shall cause the same to be extended on the tax books for the current year: *Provided*, that the length of time for which the special tax levy shall continue shall not exceed five years, and also the road or roads to be improved must be designated in the petition. The commissioners may also receive donations in money, labor, materials or other valuable things, to aid in the construction of said road.

§ 4. The county clerk, when making out the tax books for the State and county tax for the collector, shall extend the special tax

in separate columns against the tax payer's name or taxable property, as other taxes are extended, which shall be collected the same as State and county taxes, and known as the permanent road fund.

§ 5. The treasurer of said commissioners of highways, before receiving any of said fund, shall execute a good and sufficient bond, with two or more sureties, to be filed with the town clerk, or board of highway commissioners in counties not under township organization, for the benefit of the township, or board of highway commissioners in counties not under township organization, in double the amount that will probably come into his hands.

§ 6. The tax, when collected, shall be paid to said treasurer as fast as collected, except such rate per cent. as shall be allowed for collecting the same, and said tax shall be known and kept as the permanent road fund. The treasurer shall be allowed one per cent. on all of said funds that comes into his hands.

§ 7. The commissioners of highways shall have power to employ a competent surveyor or civil engineer and their necessary assistants, for the purpose of surveying the route of the road to be improved, and make plans, specifications and estimates of said work. The commissioners shall cause the same to be divided into convenient sections, and each section numbered.

§ 8. When the plans and specifications are completed, the commissioners shall advertise for sealed bids for said work, by publishing a notice thereof, for at least three weeks, in some newspaper published in said township. If there is no newspaper published therein, then in the newspaper published nearest said township, and also by posting notices in at least ten of the most public places in said town.

§ 9. The plans and specifications shall provide for the grading of a road-bed of not less than twenty feet in width on the surface, and so constructed as to drain freely to the sides, and with all necessary side and lateral ditches and tile drains, bridges and culverts, and a track laid with gravel, rock, macadam, or other hard and durable substance, not less than seven nor more than sixteen feet in width, and if constructed of gravel or broken stone, not less than ten inches thick in the center and eight inches thick on the edges: *Provided, however*, this section shall be considered as directory only, and shall not prohibit the making of roads of different width or thickness, in the discretion of the commissioners.

§ 10. The commissioners shall meet at the time and place appointed, for the purpose of opening the bids, and shall proceed to let the contracts publicly to the lowest responsible bidder or bidders by sections, with proper specifications of the various kinds of labor or material on each section; and bidders shall be required to separately state their bids for each class of work in such manner as the commissioners may provide, and each contractor shall be required to give bond, with good and sufficient sureties, for the performance of his contract, payable to the commissioners for the use and benefit of the township, with the necessary specifications and stipulations on the part of the contractor entered therein. But no commissioner shall be interested, either directly or indirectly, in any contract relating in any manner to said road.

§ 11. If the commissioners shall be of the opinion that the bids are too high, they may reject the same. No contract shall be deemed as let unless the contractor shall, within ten days after letting, enter into contract and file a bond, with two good and sufficient sureties, with the commissioners, in the penal sum of double the amount of the contract, payable to the commissioners upon the failure to comply with the conditions of his or their contract.

§ 12. The commissioners shall cause their surveyor or engineer to make estimates of the work done, and certify to the same, not oftener than once in thirty days, as may have been provided in the contracts, and shall then issue an order on their treasurer in favor of the contractor, reserving not less than twenty per cent. of said estimates, to guarantee the completion of the contract. Upon the completion of the contract the commissioners and engineer shall make a thorough and complete examination and estimate of said work, and, if found in accordance with the specifications of the contract, the commissioners shall issue their order on the treasurer for the full amount due the contractor.

§ 13. The commissioners shall keep a full and accurate record of all their proceedings under this act, and shall, upon the completion of the road, file with the town clerk all records, papers, plans, plats, estimates, specifications and contracts, and shall make a full report to, and settlement with the board of town auditors at all regular meetings of the same. If the commissioners fail to make such settlement, the supervisor shall cause an action to be instituted against them, in the corporate name of the township, to enforce such settlement.

§ 14. The commissioners may, in their discretion, cause the road to be constructed wholly of earth, and by a thorough system of tile and other drainage, when gravel, stone and other suitable hard materials cannot be obtained at a cost within the means in the hands of the commissioners.

§ 15. The commissioners, for the purpose of constructing, maintaining or repairing gravel, rock, macadam or other hard roads, as provided in this act, and for procuring materials therefor, may enter upon lands of others, doing no more damage than the necessity of the case may require, and take therefrom such material as is necessary for the construction and repairing of said roads: *Provided*, that the commissioners of highways, their employees or teams, shall not enter upon such lands for the purpose in this section stated, without having paid or tendered the amount of damage allowed or agreed upon: *Provided*, that the commissioners and the party or parties owning or controlling the lands to be entered upon, or from which material is to be taken, cannot agree as to the amount of damage or value of material, that the amount of damage shall be determined as provided for in the law for exercising the right of eminent domain.

§ 16. The commissioners shall receive the same compensation for their service under this act as for service under the common road law: *Provided*, they shall not receive pay for both kinds of service on the same day. The surveyor or engineer shall receive a

compensation not to exceed that allowed by law to county surveyors. The assistants or employees shall receive such reasonable compensation as may be agreed upon. The commissioners shall be paid by the supervisor out of the town fund. The surveyors and other employees shall be paid by the commissioner out of the permanent road fund.

§ 17. The several county boards of counties not under township organization are hereby vested with the same powers for constructing, repairing and maintaining gravel, rock, macadam or other hard roads, in their respective counties, as the commissioners of highways in their respective townships, by the provisions of this act: *Provided, however,* that the question of raising a special permanent road tax for the purpose set forth in this act shall first be submitted to the legal voters of the county, at any regular election for county officers, on the petition of one hundred land owners, who are legal voters residing in said county, to the county clerk, previous to the time of posting the notices for said county election, said petition and notices to designate the road or roads to be improved, and number of years, not to exceed five, for which the tax shall be continued.

§ 18. The ballots shall be in the form prescribed in section 2 of this act. If a majority of all the ballots cast at said election shall be in favor of the special permanent road tax, it shall then be the duty of the county board to direct the county clerk to extend such tax against all the taxable property, including railroads, in said county, and proceed in the construction of the road or roads voted for, in the same manner as provided for the guidance of commissioners of highways in their respective townships.

§ 19. All roads constructed under the provisions of this act, either by townships under township organization, or by counties in counties not under township organization, shall be free for public travel, and kept in repair by the proper authorities.

§ 20. All surplus funds remaining in the hands of the treasurer, after the completion of such roads, shall be turned over to the common road fund of said township or road district, as the case may be, except so much thereof as the commissioners may order retained for the purpose of repairing said permanent roads.

APPROVED June 18, 1883.

ROADS, HIGHWAYS AND BRIDGES.

1. Public highways.
2. Commissioners of highways have charge—permanent roads.
3. General superintendent—contracts, etc.
4. Commissioners prohibited from being interested in contracts or purchases.
5. Duties of commissioners.
6. Drainage—joining with the adjoining land owners.
7. Willow hedge destroyed—tree planting.
8. Ditches and drains—entering upon adjoining land.
9. Grading—sidewalks—corner stones—culverts.
10. Organization of board of commissioners—officers—meetings.
11. Poll-tax—collection in money.
12. Collection on execution.
13. Semi-annual meetings of commissioners to fix tax rate—limit of rate.
14. Additional tax rate in case of emergency.
15. Assessments to pay damages.
16. Levy certified to county clerk—taxes in cities, towns and villages.
17. Payment of damages.
18. Report of commissioners to town auditors.
19. Bridges—county aid.
20. Special elections to vote on borrowing money—bonds.
21. Bridges over streams which divide towns and counties.
22. Joint contracts between towns and counties.
23. Refusal of either adjoining town to enter into contract—special election.
24. Repairs on bridges built by joint contract.
25. Contracts for repairs or construction—notice of lettings.
26. Contracts for on town lines—advertise for bids.
27. Rejection of bids—contract and bond of successful bidders.
28. Contracts payable upon completion of work.
29. Penalties for driving faster than a walk.
30. Laying out roads—width—opening—vacated.
31. Altering, widening, vacating and laying out roads—petition.
32. Petition shall set forth description of road, etc.
33. Hearing upon petition—notice of meeting.
34. Adjourned meeting—announcement of decision filed with town clerk.
35. Petition for vacation—hearing—decision filed with town clerk.
36. Survey and plat of new roads or alterations.
37. Re-survey of roads made upon petition.
38. Locating new road on line of old one, shall not vacate old unless so declared.
39. Commissioners shall ascertain damages before locating.
40. Damages by agreement—release.
41. Damages assessed by jury—service.
42. Service upon minors and defective persons.
43. Service upon non-resident or unknown owners by notices.
44. Venire for jury—one-half residents of town assessed—change of venue.
45. Conduct of trial before justice.
46. Title of suit—evidence—visit proposed location—benefits.
47. Final meeting of commissioners before locating—notice.
48. Revocation of damages assessed—new trials.
49. Order locating survey, etc., filed with and recorded by town clerk.
50. Location of roads where claims for damages have been released or agreed upon.
51. Inducements by donations for locating roads authorized.
52. Records of town clerk evidence of fact.
53. Removal of fences—notice—removal by commissioners—expenses.
54. Private roads—width—location—damages—appeals.
55. Private roads opened within two years.
56. Private roads over inclosed lands—time for harvesting crops.
57. Location of public roads on township or county lines and into other townships.
58. Roads between towns—expenses of opening and repairs.
59. Appeals to supervisors—Petition filed with justice.
60. Justice summon supervisors to hear appeals—proceedings.
61. Decision on appeals shall be final—report—compensation of supervisors.
62. Appeal bonds—costs.
63. Disagreements between commissioners of different towns—appeals.
64. County and town line roads defined—repair.
65. Roads on State lines—location.
66. Compensation of commissioners.
67. Refusal or neglect of duty by commissioners—penalties.
68. "Carriages"—term defined.
69. This act not to interfere with ordinances regulating licenses in cities and towns.
70. Destroying or defacing guide boards or mile stones—penalties.
71. Obstructing highways—penalties.

- § 72. Depositing garbage in roads—penalties.
- § 73. Destroying or injuring sidewalks, bridges, culverts, etc.—penalties.
- § 74. Suits for recovery of fines and penalties, and on contracts.
- § 75. Fines paid into treasury of town commissioners.
- § 76. Cattle crossings under roads.
- § 77. "Right of the road"—penalties for neglect.
- § 78. "Drunk drivers"—penalties.
- § 79. Repeal of act 1879—saving clause.
- § 80. Petition to adopt the labor system—elections—effect if adopted.
- § 81. Lists filed by overseer—delivered by town clerk to commissioners—assessments.
- § 82. Labor to be performed—who are liable.
- § 83. Taxation—rate—cities and villages.
- § 84. Assessment rolls prepared by commissioner and filed with town clerk.
- § 85. Town clerk shall deliver copies to overseers.
- § 86. Overseers shall add omitted names to lists.
- § 87. Labor on private roads.
- § 88. Town clerk shall post notices of assessments—payment in labor.
- § 89. Refusal or neglect of duty by commissioners—penalties.
- § 90. Appointment of overseers.
- § 91. Duties of overseers.
- § 92. Refusal of overseer to serve—vacancy—appointments.
- § 93. Appointments filed with town clerk.
- § 94. Penalty for refusing to act as overseer.
- § 95. Notice to persons to work upon the highways.
- § 96. Commutation of labor in money.
- § 97. Persons commuting shall pay within three days after notice to work.
- § 98. Overseer may require teams.
- § 99. Labor may be performed by a substitute.
- § 100. Penalties for idling or interfering with others.
- § 101. Penalties for refusal or neglect to work or commute.
- § 102. Complaint to be made of persons in default.
- § 103. Justice shall summons to appear in five days.
- § 104. Trial—judgment—costs—execution.
- § 105. Collection of judgment.
- § 106. Fines collected set off against tax.
- § 107. Acceptance of excuse by overseer no exemption.
- § 108. Notice to persons liable to appear and work out tax.
- § 109. Receipt for taxes paid and credited on books.
- § 110. Overseer deliver to supervisors assessment lists.
- § 111. Penalties for refusal or neglect to deliver lists.
- § 112. Three-fourths of road labor worked out or expended before September.
- § 113. Report of overseer to commissioners before annual town meeting.
- § 114. Overseer shall render account of moneys and pay over to successor.
- § 115. Penalties for failure to render account and pay over balances.
- § 116. Supervisors shall receive list from overseers and lay before board of supervisors.
- § 117. Delinquent taxes to be levied on lands and collected.
- § 118. Compensation of overseers.
- § 119. Commissioners shall certify to county board annual taxes necessary for repairs, etc.
- § 120. Town clerk shall furnish to county clerk plats of road districts.
- § 121. Taxes extended shall designate district.
- § 122. County and township collectors shall furnish treasurer of commissioners abstract of road tax due each district.
- § 123. Treasurer shall pay to overseer taxes according to the abstracts furnished, upon order properly approved.
- § 124. Repeal of act of 1879—saving clause.

AN ACT in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all roads in this State which have been laid out in pursuance of any law of this State, or of the territory of Illinois, or which have been established by dedication or used by the public as a highway for twenty years, and which have not been vacated in pursuance of law, are hereby declared to be public highways.

§ 2. The commissioners of highways shall have charge of the roads and bridges of their respective towns, and it shall be their duty to keep the same in repair, and to improve them so far as practicable. Whenever the available means at their disposal will permit, they shall construct permanent roads, beginning where most needed. The work on roads shall be done timely, and in accordance with the best known methods of road making, by proper grading and thorough drainage by tile or otherwise, as may be expedient, or by the application of gravel, rock or other material.

§ 3. In order to insure efficiency, they may employ a general superintendent outside their own body to work and to execute their orders; or they may divide the work, let contracts, appoint overseers, employ laborers or such other agencies as they may deem expedient and most to the interest of the town.

§ 4. In letting contracts, employing labor, or in purchasing tools, machinery or materials, the commissioners shall not have, directly or indirectly, any personal pecuniary interest in connection therewith. The commissioners shall not have power to let any contract, purchase tools, machinery or materials, except as ordered by the board at an authorized meeting.

§ 5. Their duties shall include:

1. To lay out, alter, widen or vacate roads as hereinafter provided, and to exercise such care and superintendence over roads and bridges as the public good may require.

2. To cause such roads used as highways as have been laid out or dedicated to public use, but not sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the town clerk's office.

3. To purchase, for use upon highways, such necessary tools, implements and machinery as they may think proper.

4. To take possession of and keep under shelter, when not in use, all scrapers, plows and other tools belonging to their towns wherever the same may be found, and not allow the same to go to waste, and not lend the same except to persons employed by them to work the roads by contract or otherwise.

5. To cause to be erected and kept in repair, at the forks or crossing place of the most important public roads, a post and guide board, with plain inscription thereon, in letters and figures, giving directions and distances to the most noted places to which such road may lead; to prevent thistles, burdock, cockle-burs, mustard, yellow dock, Indian mallow and gympson weed from seeding, and to extirpate the same so far as practicable; and to prevent all rank growth of vegetation in the public highway by causing the same to be cut and destroyed prior to the seeding of the same, and at the farthest prior to September 1st in each and every year; and the said commissioners may, at their discretion, adopt any suitable and convenient mode of supplying water in troughs conveniently situated on the public highway for public use.

6. It is hereby made unlawful, and the commissioners are required to prevent any one, at any time, from plowing in the public highways for any purpose, unless by the consent of at least two of the commissioners.

§ 6. Whenever the commissioners are about to lay a tile drain along a public road, they shall have power to contract with the owners or occupants of adjoining lands to lay larger tile than would be necessary to drain the road, and to permit connection therewith by such contracting parties to drain their lands.

§ 7. Where willow hedges, or a line of willow or cottonwood trees have been planted along the margin of the road, so as to render tiling impracticable, the commissioners may contract with the owner

for their destruction, and they shall be destroyed before tiling. The planting of these trees hereafter on the margin of roads, is hereby declared a public nuisance, unless the same are planted by the consent of the commissioners.

§ 8. The commissioners of highways of the several towns are hereby authorized to enter upon any land adjacent to any highway in their town for the purpose of opening any ditch, drain necessary sluice or water-course, whenever it shall be necessary to open a water-course from any highway to the natural water-courses, and to dig, open and clean ditches upon said land for the purpose of carrying off the water from said highways, or to drain any slough or pond on said highway: *Provided*, that unless the owner of such land, or his agent, shall first consent to the cutting of such ditches, the commissioners shall apply to any justice of the peace in the county in which such road is situated, for a summons directed to any constable of said county, commanding him to summon the said owner to appear before the said justice, at a time and place specified in such summons, not less than five nor more than fifteen days from the date thereof, for the purpose of having the damage assessed which such owner may sustain by reason of the digging or opening of such ditches or drains. The said summons shall be under the hand of the said justice, and be served in the same manner as a summons is now served in civil actions before justices of the peace. On the return of such summons, *venire* shall be issued for a jury of twelve persons, who shall be summoned, and whose competency shall be determined as in other cases in the trial of civil actions before justices of the peace; which jury shall assess such damages and render a verdict therefor, which shall be final and conclusive of the amount of damages sustained by such person, and the amounts so awarded shall be paid, before the commissioners of highways shall be warranted and empowered to enter such lands, and dig, open and clean such drains, ditches and water-courses, as aforesaid, for the purposes contemplated in this act; and the commissioners of highways are further authorized to use and employ the road and bridge money of their town for such purposes: *Provided*, that in case the owner of said lands is a non-resident, service may be had by leaving a copy with the occupant or agent, or by notice, in the same manner as prescribed in section 43 of this act.

§ 9. In grading roads, wherever practicable, it shall be done so as to leave not less than one-tenth of the width of the road on each side for a sidewalk; and the space between these points shall be made a regular oval grade, so that the entire space can be used for traveling purposes, and it shall be unlawful to ride or drive on such walk; and any person so offending shall be subject to a fine of one dollar for each offense. Grading shall be done before the first of September in each year. Corner stones marking sectional or other corners, shall not be disturbed, except to so grade the road that these, if in the line of travel, shall not rise above the surface, and corner stakes shall be replaced by good and substantial stones. In grading public roads, if a ditch is made at the junction of roads, or at the entrance of gates, or other openings of adjoining premises, the road authorities shall construct good and sufficient culverts, or other convenient crossings.

§ 10. The commissioners of each town shall meet, on the second Tuesday after the annual town meeting in each year, at the town clerk's office, and shall organize as a board by electing one of their number president and one of their number treasurer, and the town clerk shall be *ex-officio* clerk of said board, and shall keep a record of all the official acts and proceedings of the board in a well-bound book, to be provided for that purpose, which record shall be signed by the president and clerk. Said board shall hold regular meetings at such times as they shall designate, and special meetings as occasion may require, at the call of the president, or any two of the commissioners, and no official business shall be transacted by the board, except at a regular or special meeting. If the president or town clerk be absent from a meeting, or refuse to perform his official duties, a president or clerk *pro tempore* shall be appointed from their own number. The treasurer so chosen shall receive and have charge of all moneys raised in the town for the support and maintenance of roads and bridges, excepting such portions of the moneys as are hereinafter directed to be paid to the authorities of incorporated villages, towns and cities. He shall hold such moneys at all times subject to the order of the commissioners of highways, and shall pay them over upon their order, or a majority of said commissioners, and not otherwise. Before the person so chosen as treasurer shall be entitled to act as such, and within ten days after his appointment, he shall execute a good and sufficient bond, in double the amount liable to come into his hands, with two or more landholders as sureties, in such amount and in such manner as the supervisor and town clerk shall determine, conditioned for the faithful discharge of his duties as such treasurer, and that he will honestly and faithfully account for and pay over, upon the order of the commissioners, all moneys that shall come into his hands by virtue of his said office; which bond shall be payable to the supervisor of the town, and his successor in office, and be approved by the supervisor and town clerk, and filed in the town clerk's office. Such treasurer shall receive such compensation for such services as treasurer, as may be fixed by the commissioners, not to exceed two per cent. of the amount of money that comes into his hands, excepting such amount as he receives from his predecessor, or such amount as may be borrowed for the use of the town; and he shall keep an account, in a book provided by the commissioners, of all moneys received and all moneys paid out, showing in detail to whom and on what account the same is so paid. The town clerk shall, immediately, upon the filing of said bond, notify the county treasurer thereof, by a certificate under his hand and seal.

§ 11. At this meeting they shall make out a list of able-bodied men in their town, between the ages of twenty-one and fifty years, and deliver the same to their treasurer on or before the first day of May in each year, and assess at such meeting against each person upon such list, a sum of not less than one, nor more than two dollars as a poll-tax, for highway purposes, to be paid to such treasurer by the first Monday in June of each year: *Provided*, that paupers, idiots, lunatics, and such others as are exempt by law, shall not be compelled to pay a poll-tax for highway purposes: *Provided, also*, that this list shall not include persons within the limits

of cities or incorporated villages. They shall, within ten days after such list is delivered to their treasurer, cause written or printed notices to be given to each person so assessed, notifying him of the time when and place where such tax must be paid; and if this poll-tax shall not be paid by the first Monday of June in such year, it shall be the duty of the commissioners, in the name of the town, to bring suit therefor against such person, before some justice of the peace having jurisdiction thereof. Summons shall be issued and returned in the same manner as provided by law in other cases. If judgment is rendered against defendant, the court shall find, in such judgment, that the same is for poll-tax unpaid, and shall endorse the same on the execution, if one is issued. No property belonging to the defendant shall be exempt from levy to satisfy such execution.

§ 12. The constable to whom such execution shall be delivered shall forthwith collect the moneys therein mentioned. He shall pay the money so collected, when collected, to the justice of the peace who issued the execution, who is hereby required to pay the same to the treasurer of the road and bridge fund.

§ 13. The commissioners shall also meet semi-annually, on the same day and at the same place of meeting of the board of town auditors. At the meeting immediately preceding the annual meeting of the county board, the commissioners shall determine what per cent. of tax shall be levied on the property of the town for road and bridge purposes, and for the payment of any outstanding orders drawn by them on their treasurer, which levy shall not exceed sixty cents on each one hundred dollars.

§ 14. If, in the opinion of the commissioners, a greater levy is needed in view of some contingency, they may certify the same to the board of town auditors and the assessor, a majority of whom shall be a quorum, and with the consent of a majority of this entire board given in writing, an additional levy may be made of any sum not exceeding forty cents on the one hundred dollars of the taxable property of the town.

§ 15. When damages have been agreed upon, allowed or awarded for laying out, widening, altering or vacating roads, or for ditching to drain roads, the amounts of such damages, not to exceed, for any one year, twenty cents on each one hundred dollars of the taxable property of the town, shall be included in the first succeeding tax levy, provided for in section thirteen of this act, and be in addition to the levy for road and bridge purposes; and when collected, shall constitute and be held by the treasurer of the commissioners as a separate fund, to be paid out to the parties entitled to receive the same.

§ 16. The commissioners, at said semi-annual meeting, shall make a certificate of the rate per centum finally agreed upon, by virtue of sections thirteen and fourteen of this act, also, the amount to liquidate road and ditch damages, and shall cause such certificate to be delivered to the town clerk, to be kept by him on file for the inspection of the inhabitants of said town; and the town clerk shall at once certify these two items of levy to the county clerk, to be by him extended as one tax upon the collector's book of said

town, to be collected as other taxes, and when collected, shall be paid to the treasurer of the commissioners by the collector as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same: *Provided*, that one-half the tax provided to be levied in section thirteen of this act, and collected for road and bridge purposes on the property lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *Provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town.

§ 17. Whenever damages have been allowed for roads or ditches, the commissioners may draw orders on their treasurer, payable only out of the tax to be levied for such roads or ditches, when the money shall be collected or received, to be given to persons damaged.

§ 18. At the semi-annual meeting immediately preceding the annual town meeting, the commissioners shall meet and report to the board of town auditors, in writing:

1. The amount of poll-tax assessed, how much paid, and how much delinquent.

2. The amount of road and bridge money received by the town, and a full and detailed statement as to how and where expended, and the balance, if any, unexpended.

3. The amount raised for damages in laying out, altering, widening, or vacating roads, and right of way for ditches.

4. The amount of liabilities incurred and not paid; and if such liabilities are undetermined, they shall be estimated.

5. Any additional matter concerning the roads and bridges of the town they may think expedient and proper to make.

§ 19. When it is necessary to construct or repair any bridge over a stream, or any approach or approaches thereto, by means of an embankment or trestle-work, on a public road in any town, or on, or near to, or across a town line, in which work the town is wholly or in part responsible, and the cost of which will be more than twenty cents on the one hundred dollars on the latest assessment roll, and the levy of the road and bridge tax for that year in said town was for the full amount of sixty cents on each one hundred dollars allowed by law for the commissioners to raise, the major part of which is needed for the ordinary repair of roads and bridges, the commissioners may petition the county board for aid; and if the foregoing facts shall appear, the county board shall appropriate from the county treasury a sum sufficient to meet one-half the expenses of the said bridge or other work, on condition that the town asking aid shall furnish the other half of the required amount. The expenditure of these joint funds shall be made by the commissioners and two persons appointed by the board of supervisors, and any surplus funds appropriated by the county board, after the completion of the work, shall be paid into or lapse

into the county treasury: *Provided, however,* that before any bridge or approaches as contemplated as above shall be constructed or repaired under the provisions of this section, the commissioners shall make a careful estimate of the probable cost of the same and attach thereto their affidavits that the same is necessary, and will not be made more expensive than is needed for the purpose desired; and such estimate and affidavit shall be filed with the petition: *Provided,* that in case of some emergency arising from the sudden destruction or serious damage to a bridge or its approaches, when delay in repairing or rebuilding would be detrimental to the public interest, such petition to the county board may be presented during the progress of the work or after its completion, and if the facts appear as contemplated by this section, then the county board shall appropriate one half of such cost, with like conditions that the town pay the other half.

§ 20. When the commissioners desire to expend on any bridge or other distinct and expensive work on the road, a greater sum of money than is available to them by other means, the said commissioners may petition the supervisor of the town to call a special town meeting to vote on the proposition, which shall be clearly stated in the petition substantially as follows: "To borrow \$.... to construct or repair, [describe the bridge or other work]." which said petition shall be signed by said commissioners in their official capacity and by at least twenty-five freeholders of such town; and thereupon such petition shall be filed in the office of the town clerk of such town. Upon the filing of said petition, the supervisor shall order the town clerk, by an instrument in writing to be signed by him, to post up in ten of the most public places in said town, notices of such special town meeting; which notice shall state the object, time and place of meeting, the maximum sum to be borrowed, and the manner in which the voting is to be had, which shall invariably be by ballot, and shall be "For borrowing money to [here define the purpose]," or "Against borrowing money [here define the purpose]." The special town meeting shall be held at the place of the last annual town meeting, by giving at least ten days' notice, and returns thereof made in the same manner as other special town meetings are now, or may hereafter be provided by law; and if it shall appear that a majority of the legal voters voting at said election shall be in favor of said proposition, the supervisor and town clerk, acting under the direction of the commissioners of said town, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town for the purpose of building such bridge, or other distinct and expensive work; said bonds to be of such denominations, bear such rate of interest, not exceeding six per cent., upon such time, and be disposed of as the necessities and conveniences of said town officers require: *Provided,* that said bonds shall not be sold or disposed of for less than their par value, and such town shall provide for the payment of such bonds and the interest thereon by appropriate taxation.

§ 21. Bridges over streams which divide towns or counties, and bridges over streams on roads on county or town lines, shall be built and repaired at the expense of such towns or counties: *Provided,* that for the building and maintaining of bridges over

streams near county or town lines, in which both are interested, the expense of building and maintaining any such bridges shall be borne by both counties or towns in such portion as shall be just and equitable between said towns or counties, taking into consideration the taxable property in each, the location of the bridge, and the advantage of each, to be determined by the commissioners in making contracts for the same as provided for in section 22 of this act.

§ 22. For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the commissioners of such adjoining towns, whether they be in the same or different counties, or county boards of such adjoining counties, to enter into joint contracts, and such contracts may be enforced in law or equity against such commissioners jointly, the same as if entered into by individuals, and such commissioners or county boards may be proceeded against jointly, by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, or for any damage growing out of such neglect.

§ 23. Whenever the commissioners of either of such adjoining towns shall refuse to enter into such joint contracts to build and maintain such bridge or bridges, the commissioners of the other town may call a special town meeting to vote upon the proposition as to whether such town shall proceed to build and maintain such bridge or bridges at its own expense. If such proposed bridge shall require a greater sum of money to complete it than is available to the commissioners by other means, they may also submit the proposition to such special town meeting to borrow money to build such bridge. The voting shall be by ballot, and if simply the question as to the building of the bridge is submitted, if the voter desires to vote for building the bridge, his ballot shall state "to build bridge," and if he desires to vote against the proposition, his ballot shall state "against the proposition to build bridge." If the proposition to borrow money to build such bridge shall be included in the notice, the maximum amount to be borrowed shall be stated in the same, and the voter desiring to vote affirmatively shall state on his ballot "to build bridge and to borrow money to construct the same," and if he desires to vote negatively, his ballot shall state "against the proposition to build bridge and to borrow money to construct the same." Such special town meeting shall be called and held in the same manner which is provided for special town meetings in section 20 of this act. If the proposition to build such bridge shall receive a majority of all the votes cast at such election, the commissioners shall then have the power to contract for the building of such bridge and approaches thereto, the same as if the bridge was entirely located in such town, and shall have the power to acquire, by purchase, lease or gift, any private bridge already built, suited to their purpose, or any land upon which to build the approaches, or may use for the purpose of such approaches any public highway that may lead to the bank of the stream where said bridge is to be built, on either side of said stream, whether such highway be within the limits of said town or county or not. If the proposition to build such bridge and borrow money to build the same shall receive a majority of the votes cast at such special town meeting, the supervisor and town clerk, under the direction of the commissioners,

shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town, for the purpose of building such bridge and the approaches thereto, or to purchase any private bridge already built, as the case may be, said bonds to be of such denominations, bear such rate of interest, not exceeding eight per cent., upon such time, and be disposed of as the necessities and conveniences of said commissioners may require. Such bonds shall not be sold for less than their par value, and such town shall provide for the payment of such bonds and interest by appropriate taxation.

§ 24. If the commissioners of either of such towns, or county boards of such counties, after reasonable notice in writing from the commissioners of any other such towns or county boards of such counties, shall neglect or refuse to build or repair any such bridge when any contract or agreement has been made in regard to the same, it shall be lawful for the commissioners or county board, so giving notice to build or repair the same, to recover, by suit, one-half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the commissioners or county board so neglecting or refusing.

§ 25. The commissioners are hereby authorized to contract for the construction and repairing of roads and bridges, but when such contracts are for a sum exceeding \$75.00, they shall give at least ten days notice of time and place of letting such contract, by posting notices in at least ten public places in and contiguous to the town, describing the work and time of completion: *Provided*, in case where bridges have been suddenly destroyed on any important highway, then such commissioners may privately contract for replacing such bridge to an amount not exceeding \$150.

§ 26. Contracts for constructing and repairing roads and bridges on town lines, or across streams on town lines, shall be let by the commissioners of the two towns, who shall meet and act as one body when taking action upon the letting of such contracts for the construction or repair of such roads and bridges, or acceptance of the work. When such contracts are for the expenditure of a sum exceeding \$100 they shall advertise for bids in the same manner as provided in the preceding section, except that the notices shall be posted in and contiguous to the two towns.

§ 27. At such public letting, as provided for in the two preceding sections, the commissioners shall have the right to reject any and all bids if they deem it to the best interests of the town, and no contract shall be considered as let unless the contractor shall, within ten days after the letting, enter into contract and file a bond, with two good and sufficient sureties, with the commissioners, in the penal sum of double the amount of the contract, payable to the commissioners of the town, upon failure to comply with the conditions of his or their contract.

§ 28. All contracts for the construction or repair of roads, or building or repairing bridges, shall be made payable as soon as the work on said contract is completed and accepted by the commissioners.

§ 29. The commissioners of highways may, when they deem it advisable, put up and maintain in conspicuous places, at each end of any bridge, a notice with the following words in large characters: "Five dollars fine for riding or driving on this bridge faster than a walk." If any person shall ride or drive faster than a walk over any bridge upon which such notice has been placed, he shall forfeit to the town in which such bridge is located, five dollars for each offense.

Laying Out Roads.

§ 30. All public roads established under the provisions of this act shall be of the width of sixty feet: *Provided*, short roads, not exceeding two miles in length, may be of a width not less than forty feet, nor more than sixty feet; and roads called public and private may be of the width as in this act provided. All public roads, laid out as herein provided, shall be opened within two years from the time of laying out the same. If not opened within the time aforesaid, the same shall be deemed to be vacated.

§ 31. The commissioners may alter, widen or vacate any road, or lay out any new road in their respective towns, when petitioned by any number of land owners, not less than twelve, or two-thirds of the land owners residing in such town within two miles of the road so to be altered, widened, vacated or laid out: *Provided*, said commissioners may also narrow or reduce the width of the streets in town plats not incorporated, so as to leave the same not less than sixty feet in width, on petition and under like proceedings as herein provided in case of laying out, altering, widening or vacating roads.

§ 32. Said petition shall set forth, in writing, a description of the road and what part thereof is to be altered, widened or vacated; and if for a new road, the names of the owners of lands, if known, and if not known it shall be so stated, over which the road is to pass, the points at or near which it is to commence, its general course, and the place at or near which it is to terminate.

§ 33. Whenever the commissioners shall receive any such petition, they shall fix upon a time when and place where they will meet to examine the route of said road, and to hear reasons for or against the altering, widening, vacating or laying out the same; and they shall give at least ten days' notice of the time and place of such meeting by posting up notices in five of the most public places in the township, in the vicinity of the road to be widened, altered, vacated or laid out.

§ 34. The commissioners may, by public announcement, and by the posting of a notice at the time and place named for the first meeting, adjourn the meeting from time to time, but not for a longer period than ten days in all; and shall, at the first or such adjourned meeting, within said ten days, decide and publicly announce whether they will grant or refuse the prayer of the petition, and shall endorse upon or annex to the petition a brief memorandum of such decision, to be signed by the commissioners. Such decision shall be subject to revocation, in case the prayer of the petition is granted, in the manner hereinafter provided. In case the commissioners refuse to grant the prayer of the petition, they shall, within five days

thereafter, file the same so endorsed, or with such decision annexed thereto, in the office of the town clerk.

§ 35. If the petition is simply for the vacation of the road, and the commissioners, or a majority of them, shall, at such meeting, decide that the prayer of the petitioners should be granted, they shall order such road to be vacated; a copy of which order, together with the petition, shall be by them filed with the town clerk; such order to be so filed within five days after the date of such decision.

§ 36. If such petition is for the establishment of a new road, or the alteration or widening of an existing road, and the commissioners, or a majority of them, shall be of the opinion that the prayer of the petitioners should be granted, they shall cause a survey and plat of such road to be made by a competent surveyor, who shall report such survey and plat to said commissioners, giving the courses and distances, and specifying the land over which said road is to pass; in which they may make such changes between the termini of the road described in the petition as the convenience and interest of the public, in their judgment, may require.

§ 37. Upon the petition of twelve land owners residing in the town where the road is situated, it shall be the duty of the commissioners, within a reasonable time, to employ a competent surveyor and have any road designated in such petition in their several towns re-surveyed and plats thereof made, which plats and surveys shall be by them filed for record in the office of the town clerk: *Provided*, that this section shall not apply where the same has been already done, unless the exact location of such road is uncertain.

§ 38. The establishment of a new road on the route of a road already established according to law, shall not vacate the road previously established, unless such vacation is prayed for in the petition, and so declared in the order establishing a new road.

§ 39. They shall also, before they order any road to be established, altered, widened or vacated, ascertain, as hereinafter provided, the aggregate amount of damages which the owner or owners of land over which the road is to pass shall be entitled to, by reason of the location, alteration or vacation of such road: *Provided, however*, that in case an appeal is taken from the assessment of damages before the justice of the peace, the commissioners may, in their discretion, make an order laying out, widening, altering or vacating such road, either before or after such appeal is determined, in the manner hereinafter provided.

§ 40. The damages sustained by the owner or owners of the land, by reason of the establishment, alteration, widening or vacation of any road, may be agreed upon by the owners of such lands, if competent to contract, and the commissioners, or they may be released by such owners, in which case the agreement or release shall be in writing, and shall be filed and recorded with the copy of the order establishing, altering, widening or vacating such road, in the town clerk's office, and shall be a perpetual bar against such owners, their grantees and assigns, for all further claims for such damages.

§ 41. In case such damages are not released or agreed upon as in the preceding section specified, the commissioners shall, within ten days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that they are about to establish, widen, vacate or alter a public road, describing such road, vacation, widening or alteration, and the land over or on which such road is to be established, altered, widened or vacated, and naming the owners of such lands, if known, and if not known, stating the fact and asking for a jury to assess the damages of such owners, and shall present such certificate to some justice of the peace of the county, who, on receipt of the same, shall, within five days, issue a summons against the land owners concerned; which summons shall be in the following form as nearly as the case will admit, viz:

STATE OF ILLINOIS, }
 County. } ss.

The People of the State of Illinois, to any constable of said county, greeting:

You are hereby commanded to summon and to appear before me at on the day of at o'clock, and prove to a jury then and there to be empanelled, such damages as he or they may sustain on account of the establishing, altering, widening or vacating the road described in a certificate of the commissioners of the town of in said county, which certificate is now on file in my office.

Given under my hand and seal this day of, 18..

..... Justice of the Peace.

in which summons the justice shall specify a certain place, day and hour for the trial, not less than six nor more than fifteen days from the date of such summons, at which time and place such land owners are to appear. Such summons shall be served at least three days before the time of trial mentioned therein, by reading the same to the land owners therein named.

§ 42. If any such owner is an infant, such summons shall be served by delivering a copy to the infant and its guardian, if any, if no guardian, the person with whom he or she resides. If any owner is a lunatic or habitual drunkard, having a conservator, by delivering a copy to his conservator.

§ 43. In case it shall appear, either from the certificate of commissioners, the affidavit of any person, or the return of any officer to whom the notice may be delivered for service, that there are non-resident or unknown owner or owners, who cannot be found and served within the county, such justice shall also cause notice to be delivered to the occupant of such lands and the contents and nature thereof to be made known to such occupant and also to be posted in three of the most public places in the vicinity of such proposed road or alteration, at least ten days before the time fixed in the summons for hearing proof of damages, stating the time and place, as stated in said summons, and describing the road to be established or altered and the lands for which damages are to be assessed; and in case service is made upon any owner by posting notices as above provided, the justice shall continue said hearing for a period not exceeding twelve days.

§ 44. Such justice shall, also, forthwith issue a venire, directed to any constable of the county, to summon six persons having the qualifications of jurors to appear at such time and place as may be designated, for the proving of such damages, whose competency

shall be determined the same as in other civil cases before justices of the peace. Either party to the case shall have the same right of challenge as in other civil cases; and any deficiency in the number of jurors, from whatever cause, shall be supplied by summoning other persons residing in said county: *Provided*, that not more than one-half of such jury shall be residents of the town liable to pay the damages assessed in the case: *Provided, further*, that changes of venue may be granted, if applied for before the commencement of the trial, in the same manner as in other civil causes before justices of the peace.

§ 45. The jury shall appear before, and be sworn by such justice faithfully and impartially to assess the damage of each of the owners specified in such certificate, or those of them whose claims are then to be adjusted, according to law, to the best of their judgment and understanding; and all parties in interest shall be entitled to subpoenas and other writs and papers, and the trial shall be conducted as in other civil cases.

§ 46. The case shall be entitled "Commissioners of highways of the town of vs.," [whoever may be summoned as land owners] and the jury shall hear such lawful evidence touching the question of such damages as may be presented to them, the claimants having the right to open and close the case; and shall, also, on a request of a majority of the commissioners or owners of lands whose damages are to be determined, in a body visit and examine the proposed location, alteration, widening or vacation of such road, and the lands to be taken and affected thereby, and make a written verdict specifying the amount of damages, if any, which every such owner shall recover, and return the same to such justice, to be by him entered upon his docket in the nature of a judgment: *Provided*, that in estimating the damages, except damages to property actually taken for a road, the jury may consider the benefits conferred; but no benefits enjoyed in common by the owners of surrounding property shall be considered in estimating damages.

§ 47. Within ten days after the total amount of damages shall have been ascertained, either by release or agreement of the parties, or by assessment before a justice of the peace and a jury, in the manner hereinbefore provided, the commissioners shall hold a meeting to finally determine upon the laying out, altering, widening or vacation of such road, of which meeting said commissioners shall give public notice, by causing not less than three notices thereof to be posted in public places within the town, at least five days prior thereto.

§ 48. In cases where the damages are not wholly released or agreed upon, and the commissioners in case no appeal has been taken, and the supervisors hearing the appeal in case an appeal is taken, shall be of the opinion that the damages assessed by the jury are manifestly too high, and that the payment of the same would be an unreasonable burden upon the tax-payers of the town, the commissioners, or the supervisors who heard the appeal, as the case may be, may revoke all proceedings had upon the petition by a written order to that effect; and such revocation shall have the effect to annul all such proceedings and assessments, releases and

agreements, in respect to damages growing out of the proceedings upon the petition: *Provided*, upon the final determination of the commissioners of highways, or the supervisors upon appeal being determined, and a copy of all such proceedings being filed in the town clerk's office, no other proceedings shall be had by the commissioners of highways, nor any petition entertained in regard to the same road or petition for two years from the date of filing such copies of proceedings. And after two trials as aforesaid, if the decision be the same, no other petition shall be entertained for the same until the expiration of three years from the filing of the last proceedings.

§ 49. In case the commissioners shall not revoke such prior proceedings, they shall make an order, to be signed by them, declaring such road so altered, widened or laid out, a public highway, and which order shall contain or have annexed thereto a definite description of the line of such road, together with a plat thereof. The commissioners shall, within five days from the date of such order, cause the same, together with the report of the surveyor, the petition and the releases, agreements or assessments in respect to damages, to be deposited and filed in the office of the town clerk, who shall note upon such order the date of such filing. It shall be the duty of such clerk, after the time for appeal to supervisors has expired, and in the case of such appeal, after the same shall have been determined, in case the prayer of the petition is granted, to record such order, together with the plat of the surveyor, in a proper book to be kept for that purpose.

§ 50. In cases where the damages claimed by the land owners for the right of way are released, or are agreed upon between the land owners and commissioners, the commissioners may, at their first meeting, or at any adjourned meeting, examine the route of the road, and cause a survey thereof to be made, and make their order establishing, altering, widening or vacating the road, according to the prayer of the petition, and return the same within the time and in the manner specified in this act.

§ 51. Any person or persons interested in the establishment, alteration, widening or vacation of any road in this State, are hereby authorized to offer inducements to the commissioners for the establishment, alteration, widening or vacation of any such road, by entering into contract with said commissioners, conditioned upon such establishment, alteration, widening or vacating, to pay money or other valuable thing to the town, for the benefit of the road and bridge funds of the same; or to perform any labor, or to construct any road, bridge or culvert on any road which said person or persons desire to have established, widened or altered. And such contracts in writing, made with said commissioners, shall be deemed good and valid in law, and may be enforced by said commissioners or their successors in office, before any court having jurisdiction.

§ 52. The records of the town clerk, or a certified copy of such record and papers relating to the establishment, location, alteration, widening or vacation of any road, shall be *prima facie* evidence in all cases that all the necessary antecedent provisions had been complied with, and that the action of the commissioners or other persons and officers, in regard thereto, was regular in all respects.

§ 53. Whenever a public road is ordered to be established or altered, according to the provisions of this act, which road shall pass through or on enclosed land, the commissioners of highways shall give the owner or occupant of such land sixty days' notice in writing to remove the fences. If such owner or occupant does not remove the fence or fences within sixty days after such notice, the commissioners shall have the same removed and direct the road to be opened and worked; the owner of such premises shall pay all necessary costs of removal, and the same may be recovered by the commissioners before any justice of the peace of the county.

§ 54. Roads for private and public use, of the width of three rods or less, may be laid out from one dwelling or plantation of an individual to any public road, or from one public road to another, or from a lot of land to a public road, on petition to the commissioners by any person directly interested. The commissioners, on receiving such petition, shall have power to lay out the road as asked for therein, to which end they shall proceed and examine into the merits of the case, and shall be governed in their proceedings by the rules and regulations prescribed in this act in relation to public roads. The jury shall consider the damages that may result to parties from said proposed road, and shall assess the damages to each individual owner of lands affected thereby. The amount of such damages shall be paid by the persons benefited thereby, to the extent and in proportion that they are benefited, to be determined and declared by the jury. The remainder of the amount of damages over and above that to be paid by the parties as aforesaid, shall be paid by the town as in other cases. The amount of damages to be paid by individuals shall be paid to the parties entitled thereto, before the road shall be opened for use. An appeal may be taken on the question of the propriety and necessity of such road as in other cases.

§ 55. If such road or cartway shall not be opened by the petitioners within two years from the time of making the order for the location of the same, such order shall be regarded as rescinded.

§ 56. When such road or cartway is proposed to pass over inclosed lands, the owners of such lands shall have a reasonable time, not exceeding eight months, to be designated by the commissioners, to harvest crops and remove fences which may be on such lands before such road or cartway shall be opened.

§ 57. Public roads may be established, altered, widened or vacated on township or county lines, or from one township into another, in the same manner as other public roads, except that in such case a copy of the petition shall be posted up in, and presented to the commissioners of each town interested, said petition to be as in other cases, and signed by not less than twelve land-owners residing in either county within three miles of the road so to be altered, widened, located or laid out; whereupon it shall be the duty of the commissioners of the several towns to meet and act as one body, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages, and making all orders in reference to such proposed road, alteration, widening or vacation, and a majority of all such commis-

sioners must concur in all such orders; and a copy of all final orders and plats and papers shall be filed and recorded in each of the counties and towns interested.

§ 58. The commissioners shall also, in case a new road is established, allot to each of such towns the part of such road which each of such towns shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such town. They shall also divide the expenses and damages which may accrue from such location, widening or alteration, and if they cannot agree, they shall refer the matter to three disinterested land owners, as arbitrators, whose decision shall be final.

§ 59. Any person or persons interested in the decision of the commissioners in determining to, or in refusing to lay out, alter, widen or vacate any road, or revoking any previous order or decision relative to any road, or in the verdict of any jury in assessing damages in opening, altering or vacating any road, may appeal from such decision to three supervisors of the county, outside of the town or towns in which such road or proposed road is located, within ten days after such decision has been filed in the office of the town clerk, by filing a written petition with some justice of the peace of the county, asking for an appeal, and stating on what ground such appeal is taken.

§ 60. It shall be the duty of the justice of the peace to cause to be summoned three supervisors of the county, to hear such appeal; and he shall fix in such summons upon a time and place, near the road in question, when such appeal will be heard by them; and, at least three days before such trial, shall give a written notice to the said commissioners, and to at least three of the petitioners, of the time and place of said trial; and upon such appeal the said supervisors shall have the same power and authority that is by this act conferred on the commissioners, not only in regard to the laying out, altering, widening or vacating any road, but shall have the same power to cause a jury to be called to assess damages, whenever the state of the proceedings require it, and the supervisors cannot agree with the owners of the land in regard to the same.

§ 61. The decision of a majority of the supervisors in any appeal case shall be taken as the decision of said supervisors; and they shall make a report of their proceedings and decision in the case, and in like manner that is by this act required of the commissioners, and shall be entitled to two dollars and fifty cents per day. Their decision shall be final in regard to laying out, altering, widening or vacating such road, or in refusing to do the same.

§ 62. Any parties taking an appeal from the award of the decision of the commissioners, or the verdict of the jury, shall file a sufficient bond with the justice of the peace or town clerk before taking such appeal, conditioned for the payment of the cost of such appeal, in case the decision of the commissioners or the verdict of the jury is in all things sustained, or the appeal dismissed; if the award of the highway commissioners, or verdict of the jury, shall not be sustained, the town shall pay the cost of such appeal.

§ 63. When the commissioners of one town disagree with the commissioners of an adjoining town in regard to the laying out of

a new road, or the alteration, widening or vacation of an old road on any county or town line, appeals may be taken from such decision, in the same manner as where the road is wholly in one town. When such decision is in regard to a road on a county line, two supervisors shall be selected from one county and one supervisor shall be selected from the other, by the justice of the peace, who shall issue his summons accordingly.

§ 64. All roads heretofore laid out upon town or county lines, shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any public road that is, or shall hereafter be laid out on a county or town line, shall be held to be a road on a county or town line, although owing to the topography of the ground along said county or town line, or at the crossing of any stream of water, the proper authorities, in establishing or locating such road, may have located a portion of the same to one side of such county or town line.

§ 65. Roads may be laid out and opened upon the line between this and any adjoining State, as provided in the preceding sections, whenever the laws of such adjoining State shall be applicable.

§ 66. The commissioners shall each receive for their services the sum of one dollar and fifty cents per day for each day necessarily employed in the performance of their duties, upon a sworn statement to be filed by each commissioner in the town clerk's office, showing the number of days he was employed, and the kind of employment, and giving the dates thereof.

§ 67. If the commissioners shall willfully refuse or neglect to perform any of the duties enjoined on them by this act, they shall severally forfeit not less than ten dollars nor more than fifty dollars, and may be proceeded against in the name of the town, severally or jointly, for the recovery of such forfeiture before any justice of the peace in the proper county having jurisdiction.

Laws of the Road.

§ 68. The term "carriage," as used in this act, shall be construed to include stage coaches, wagons, carts, sleighs, sleds and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

§ 69. Nothing contained in this act shall interfere with or affect any law concerning hackney coaches or carriages in any of the cities of this State, nor interfere with nor affect the laws or ordinances of any such city for the licensing or regulating such coaches or carriages. Justices of the peace shall have jurisdiction in all cases arising under this act, where the penalty does not exceed their jurisdiction.

§ 70. For destroying or defacing any guide-board, post, or milestone, or any notice or direction put up on any bridge or otherwise, by or with the authority of the commissioners, the offender shall forfeit a sum not less than three dollars nor more than fifty dollars.

§ 71. If any person shall injure or obstruct a public road by felling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate

or wash the same, or shall leave the cuttings of any hedge thereon for more than ten days, they shall forfeit for every such offense a sum not less than three dollars nor more than ten dollars, and in case of placing any obstruction on the highway, an additional sum of not exceeding three dollars per day for every day he shall suffer such obstruction to remain after he has been ordered to remove the same by any of the commissioners; complaint to be made by any person feeling himself aggrieved: *Provided*, this section shall not apply to any person who shall lawfully fell any tree for use, and will immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and shall give due notice to the commissioners of such intention: *And, provided, further*, that the commissioners, after having given reasonable notice to the owners, or person so obstructing or plowing or digging ditches upon such road, of the obstruction, may remove any such fence or other obstruction, fill up any such ditch or excavation, except ditches necessary to the drainage of an adjoining farm emptying into a ditch upon the highway, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by said commissioners before any justice of the peace having jurisdiction.

§ 72. It is hereby declared unlawful for any land owner, renter or other person, to deposit in a public road, weeds, trash, garbage or any offensive matter, and any person so offending shall be liable to a penalty of not less than three dollars nor more than ten dollars; but this shall not apply where proper deposits may be made in good faith and in a proper manner to repair the roads.

§ 73. If any person shall purposely destroy or injure any sidewalk, public bridge, culvert or causeway, or remove any of the timber or plank thereof, or obstruct the same, he shall forfeit a sum not less than three nor more than one hundred dollars, and shall be liable for all damages occasioned thereby, and all necessary costs for rebuilding or repairing the same.

§ 74. All suits for the recovery of any fine or penalty under this act, shall be brought in the name of the town in which the offense is committed, before any justice of the peace or police magistrate within the town, who shall have jurisdiction in such cases to the extent of their jurisdiction in other cases; and it shall be the duty of the commissioners to seasonably prosecute for all fines and penalties under this act; but in case of a failure of said officers to so prosecute, complaint may be made by any person: *Provided*, said person shall, before bringing suit in the name of the town, give a bond for costs, as is provided for in the case of non-residents. But whenever any person shall enter complaint to any commissioner, it shall be the duty of such commissioner to at once proceed to investigate as to the reasons of such complaint, and if such complaint is found to be just, he shall at once proceed to prosecution: *Provided, further*, that the commissioners may sue and be sued on all contracts entered into by them for the construction and repairing of roads and bridges, and the judgment in any such case against the commissioners shall be a town charge.

§ 75. All fines recovered under the provisions of this act, unless otherwise provided, shall be paid over to the treasurer of the commissioners of the town where the offense is committed, to be expended upon the roads and bridges in the town.

§ 76. Any person owning, using or occupying lands on both sides of any public highway, shall be entitled to the privilege of making a crossing under said highway for the purpose of letting his cattle and other domestic animals cross said road: *Provided*, said person shall erect, at his own expense, a good and substantial bridge, with good railings on each side thereof, and build an embankment, of easy grade, on either side of said bridge; said bridge to be not less than sixteen feet wide, and to be approved by the commissioners of the town in which said bridge is built, and the same to be kept constantly in good repair by the owner or occupant of said land, the construction subject always to the consent and approval of the commissioners of said town: *And, provided, further*, that in case such crossing is made on any water-way or natural channel for water, and where a culvert or bridge is maintained as required for road purposes, said owners or occupants shall not be required to pay for or construct any more of said crossing than the additional cost of such crossing over and above the necessary cost of a suitable culvert or bridge for road purposes at such place.

§ 77. Whenever any persons, traveling with any carriages, shall meet on any turnpike, road or public highway, in this State, the persons so meeting shall seasonably turn their carriages to the right of the beaten track, so as to permit each carriage to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offense, to be recovered by the party aggrieved: *Provided*, this section shall not be construed to apply to a case where it is impracticable from the nature of the ground for the driver of the carriage or wagon to turn to the right of the beaten track.

§ 78. No person owning any carriage, running or traveling upon any road in this State for the conveyance of passengers, shall knowingly employ, or continue in employment, any person to drive such carriage who is addicted to drunkenness or the excessive use of spirituous liquors; and if any such owner shall violate the provisions of this section, he shall forfeit at the rate of five dollars per day for all the time he shall keep such driver in his employment. Any person driving his own team, or the team of another, on the public highway, when intoxicated, shall be subject to a fine of not less than three dollars, nor more than twenty-five dollars, for each offense.

§ 79. That an act entitled "An act in regard to roads and bridges in counties under township organization," approved May 28, 1879, in force July 1, 1879, and all other acts or parts of acts inconsistent herewith, be and the same are hereby repealed: *Provided*, that the repeal of said act shall not affect any suit or proceedings pending, or impair any right existing at the time this act shall take effect: *And, provided, also*, that the overseers of highways in office, when this act takes effect, shall continue in office till the expiration of their terms, and the road tax and road labor then due shall not be released from its obligations, and the delinquent list shall be duly

returned, and collected as now provided, the avails of which shall be paid to the treasurer of the commissioners.

Labor System.

§ 80. On petition of not less than twenty-five legal voters of any town in this State, in counties where township organization has been or may be hereafter adopted, asking to have the proposition to pay in labor the district labor and property road tax submitted to the legal voters of said town and filed with the town clerk not less than fifteen days before the last Tuesday in August, when it is desired to vote thereon at a special town meeting to be held on the last Tuesday in August, or not less than fifteen days before the annual town meeting, when it is desired to vote thereon at said annual town meeting, the town clerk shall thereupon call a special town meeting on said last Tuesday in August, or state in the notice of the annual town meeting, as the case may be, that the legal voters of such town may vote by ballot for or against the payment in labor of the district labor and property road tax; and if a majority of all the ballots cast are for the payment in labor of the district labor and property road tax, then all the following sections of this act shall be in force in such town, otherwise they shall not be in force in any town in this State: *Provided*, the vote which may be taken under this section shall not affect the last section of this act, but the same shall be and remain in force.

§ 81. The town clerk shall deliver the lists filed by the overseers to the commissioners of highways of the town, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.

§ 82. Every able-bodied male inhabitant being above the age of twenty-one years and under the age of fifty, (excepting paupers, idiots, lunatics and such others as are exempt by law,) shall be required to labor on the highways in their respective road districts not less than one nor more than three days in each and every year.

§ 83. The commissioners of highways of each town shall annually ascertain, as near as practicable, how much money must be raised by tax on real and personal property, and railroad property known as "railroad track" and "rolling stock," for the making and repairing of roads only, to any amount they may deem necessary, not exceeding forty cents on each one hundred dollars' worth, as equalized and assessed by the State Board of Equalization, for the purposes of taxation for the previous year, and shall levy and assess the same as a road tax against said property: *Provided*, that the tax on the property levied for road purposes only, lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *Provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town: *And, provided, further*, that the authorities of such

incorporated town, city or village may, at any time, direct the collector not to collect the tax so levied within the limits of such incorporated town, city or village.

§ 84. The commissioners of highways shall affix to the name of each person named in the lists furnished by the overseers, the number of days assessed to each person for highway labor, and they shall make a list for each district, containing a description of each tract of land in the district, and the name of the owner, if known, and the name of the owner of any railroad property known as "railroad track" and "rolling stock," and also a list of the names, in alphabetical order, of the personal property tax-payers, and shall set opposite each tract of land the valuation thereof, as taken from the assessment roll of the previous year as equalized by the State Board of Equalization, and opposite each tax-payer's name the amount of his personal assessment on personal property as taken from said roll, and opposite the name of each owner of railroad property known as "railroad track" and "rolling stock," the valuation thereof, as assessed by the State Board of Equalization for the purposes of taxation for the previous year, and distributed by the county clerk, and opposite each valuation and assessment they shall extend the road tax assessed thereon in a separate column. The lists so prepared shall be subscribed by the commissioners, and deposited with the town clerk, to be filed in his office.

§ 85. The commissioners shall direct the clerk of the town to make a copy of each list, and shall subscribe such copies, after which they shall cause the several copies to be delivered to the respective overseers of highways of the several districts in which the highway labor is assessed. One copy for each overseer shall contain the name and number of days assessed to each person, the other, the real and personal property road tax.

§ 86. It shall be the duty of the overseers to add the names of persons left out of any such list, and of new inhabitants, and to rate the persons so added in the same proportion to work on the highways as others rated by the commissioners on such list, subject to an appeal to the commissioners.

§ 87. It shall be the duty of the commissioners of highways of each town to credit such persons as live on private roads and work the same, so much on account of their assessment as such commissioner shall deem necessary to work such private road, or to annex such private road to some of the highway districts.

§ 88. The town clerk shall, within ten days after the commissioners of highways have filed in his office the amount of road tax assessed on the real and personal estate of the towns, post a notice on the outer door of the house where the town meeting was last held, and two other public places in said town, stating the amount of road tax assessed on each one hundred dollars' worth of real and personal estate of the town, and that persons interested can pay the same in labor on the highways under the direction of the overseer of highways in the district where the land or personal property is situated.

§ 89. If the commissioners of highways shall refuse or neglect to perform any of the duties enjoined on them by this act, they

shall severally forfeit not less than ten dollars, nor more than fifty dollars, and may be proceeded against, severally or jointly, for the recovery of such forfeiture before any justice of the peace in the proper county having jurisdiction.

§ 90. The commissioners of highways in each town shall appoint as many overseers of highways as there are road districts in the town; and each overseer of highways so chosen shall be a resident of the road district for which he is appointed, and shall hold his office for one year.

§ 91. It shall be the duty of overseers of highways in each town:

First—To repair and keep in order the highways within their several districts for which they shall have been appointed.

Second—To warn all persons from whom road labor is due, to work on the highways at such times and places within their several districts as they may think proper. The overseers of highways may contract with persons owing poll tax for road purposes, to perform a certain amount of labor on any road or bridge in their town or road district for the amount of such tax; and if the work is done within the time that the money should have been paid, the overseer shall give such person a receipt for such labor done or performed.

Third—To collect all fines and commutation money, and to execute all lawful orders of the commissioners of highways.

Fourth—To deliver to the clerk of the town, within ten days after their appointment, a list subscribed by such overseers, of the names of all the inhabitants in his road district who are liable to work on highways.

§ 92. If any person chosen or appointed to the office of overseer of highways shall refuse to serve, or if his office shall become vacant, the commissioners of highways of the town shall, by warrant under their hands, appoint some other person in his stead; and the overseer so appointed shall have the same powers, be subject to the same orders and liable to the same penalties as overseers originally appointed.

§ 93. The commissioners making appointment shall cause such warrant to be forthwith filed in the office of the town clerk, who shall give notice to the person appointed as in other cases.

§ 94. Every overseer of highways who shall refuse or neglect to perform any of the duties hereinbefore enumerated, or which may be lawfully enjoined on him by the commissioners of highways of his town, shall, for every such refusal or neglect, forfeit the sum of ten dollars, to be sued for by the commissioners of highways of the town, and when recovered, to be applied by them in making and improving the roads and bridges therein.

§ 95. It shall be the duty of overseers of highways to give at least three days' notice, either verbally or by leaving a written notice at their place of residence, to all persons assessed to work on the highways, and residing within limits of their respective districts, of the time and place when and where they are to appear for that purpose, and with what implements; but no person being a resident

of the town shall be required to work on any highways other than in the district in which he resides, except he resides in a district on a town line, which district belongs to an opposite town, and unless he shall elect to work in same district where he has land; and in said case he may, with the approbation of the commissioners of highways, apply the work assessed in respect to such land in the district in which the same is situated: *Provided*, if the overseers of highways fail to perform their duty, the commissioners of highways shall have power to perform such duties, or cause the same to be performed, under such rules as they may prescribe.

§ 96. Every person able to work on the highways, shall work the whole number of days for which he shall have been assessed; but every such person other than an overseer of highways, may elect to commute for the same or for any part thereof, at the rate of one dollar per day; in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

§ 97. Any person intending to commute for his assessment or any part thereof, shall, within three days after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice; and the commutation shall not be considered as complete until such money be paid.

§ 98. Every overseer of highways shall have power to require a team or a cart, wagon or plow, with a pair of horses or oxen, and a man to manage them, for any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted for his assessment; and the person furnishing the same upon such requisition, shall be entitled to a credit of two days for each day's service therewith.

§ 99. Every person assessed to work on the highways, and named to work, may appear in person, or by an able-bodied man as a substitute, and the person or substitute shall actually work eight hours in each day, under a penalty of twenty-five cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

§ 100. If any person, after appearing, remain idle, or not work faithfully, or hinder others from working, such offender shall, for every offense, forfeit to the town the sum of two dollars.

§ 101. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit to the town, for every day's refusal or neglect, the sum of two dollars (\$2.00). If he was required to furnish a team, carriage, man or implement, and shall refuse or neglect to comply, he shall be fined as follows:

First—For wholly failing to comply with such requisition, four dollars (\$4.00) for each day.

Second—For omitting to furnish a pair of horses or oxen, one dollar and fifty cents (\$1.50) for each day.

Third—For omitting to furnish a man to manage the team, two dollars (\$2.00) for each day.

Fourth—For omitting to furnish a wagon, cart or plow, seventy-five cents (75c) for each day.

§ 102. It shall be the duty of every overseer of highways, within six days after any person assessed and notified shall be guilty of any refusal or neglect, for which a penalty or fine is prescribed in this act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint on oath, to any justice of the peace of the county: *Provided*, if the overseers of highways fail to perform their duty, as prescribed in this section, the commissioners of highways shall have power to perform such duties.

§ 103. The justice to whom such complaint shall be made, shall forthwith issue a summons, directed to any constable of the county, requiring him to summon such delinquent to appear within five days before such justice, according to law, for such refusal or neglect.

§ 104. On the day of trial, the justice shall proceed to hear and determine the case according to law for the offense complained of, and shall forthwith issue an execution under his hand and seal, directed to any constable of the county where such delinquent shall reside, commanding him to levy such fine, with the costs of the proceeding, of the goods and chattels of such delinquent. No personal property shall be exempt from levy of attachment or execution when the judgment is for commutation of road or street labor: *Provided*, the court rendering the judgment shall find that the same is for road or street labor, which finding shall be expressed on the record of said judgment and indorsed upon the execution when issued.

§ 105. The constable to whom such execution shall be delivered, shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the justice of the peace who issued the execution, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer.

§ 106. Every fine collected for refusal or neglect to appear and work on the highways, shall be set off against his assessments or personal labor tax, upon which it was founded, estimating every two dollars collected as a satisfaction for one day's work.

§ 107. The acceptance by an overseer of any excuse for refusal or neglect, shall not, in any case, exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year.

§ 108. Every overseer of highways shall give at least three days' notice to each person residing in his district against whom a land, railroad property or personal property road tax is assessed, either personal or in writing, left at his usual place of abode, of the time when and the place where he may appear and pay his road taxes in labor, and with what implements; and he may require of all persons appearing to pay their taxes in labor to furnish a spade, shovel, axe or hoe, and if any such person be the owner of a team,

plow, wagon, cart or other implement useful for working the highways, he may require such person to furnish any of them if his road taxes are not less than three dollars. And every such person may appear at the time and place and with such implements and teams as the overseer in his notice shall have required, and work in person or by an able-bodied substitute; and every such person who shall so appear and work agreeable to the directions of such overseer of the highways in his district, shall be credited on his road tax one dollar and twenty-five cents for every day he shall actually work eight hours, and at that rate for less time, and twenty-five cents a day for every wagon or plow, and one dollar a day for each yoke of oxen, and one dollar and twenty-five cents a day for each span of horses or mules he shall furnish agreeably to the requirements of said overseer: *Provided*, that any person may elect to pay such tax to the overseer in money: *Provided, further*, if the overseers of highways fail to perform their duty, the commissioners of highways shall have power to perform such duties, or cause the same to be performed under such rules as they may prescribe.

§ 109. It shall be the duty of the overseer of highways, when such land or railroad property tax has been paid either in money or labor, to write the word "paid" distinctly against each name or tract on his list on which the same has been paid, and give a receipt for the same, whether paid in labor or money, when demanded.

§ 110. Every overseer of highways shall deliver to the supervisor of his town, and in Cook county to the county board, at least five days previous to the annual meeting of the board of supervisors, the lists furnished by the commissioners of highways, containing the land and personal property road tax, with an affidavit thereto, sworn to before the supervisor of the town, or some justice of the peace of the county, that on all tracts of land or railroad property on such list opposite which the word "paid" is written, such tax is paid, and that on all tracts of land or railroad property on such list opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief.

§ 111. If any overseer shall refuse or neglect to deliver such list to the supervisors as provided in the last preceding section, or shall neglect or refuse to make the affidavit as therein directed, he shall, for every such offense, forfeit the sum of five dollars, and also the amount of taxes remaining unpaid, to be recovered by the commissioners of highways of the town, to be applied by them in improving the roads and bridges of such town.

§ 112. It shall be the duty of every overseer of highways to have at least three-fourths of the road labor assessed in his district, worked out or actually expended on the highways, previous to the first day of September in every year.

§ 113. Every overseer of highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render, under oath, to one of the commissioners of highways of the town, an account in writing, containing:

First—The names of all persons assessed to work on the highways in the district to which he is overseer.

Second—The names of all those who have actually worked on the highways, with the number of days they have actually worked.

Third—The names of all those who have been fined, and the sums in which they have been fined.

Fourth—The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him.

Fifth—The amount of uncollected road tax which he has returned to the supervisors of the town, as required in section one hundred and ten of this act.

§ 114. Every such overseer shall also, then and there, render an account, in writing, of all moneys in his hands by virtue of his office, and shall also pay over the same to his successor in office.

§ 115. If any overseer shall refuse or neglect to render such account, or if, having rendered the same, he shall refuse or neglect to pay any balance which may then be due from him, he shall, for every such offense, forfeit the sum of five dollars, to be recovered with the balance of the moneys remaining in his hands, by the commissioners of highways of the town, and to be applied in making and improving the roads and bridges. It shall be the duty of the commissioners to prosecute for such penalty in every instance of such refusal or neglect.

§ 116. It shall be the duty of the supervisors of the several towns to receive the list of the overseers of highways when delivered, pursuant to section one hundred and ten of this act, and to lay the same before the board of supervisors of the county.

§ 117. It shall be the duty of the board of supervisors, and in Cook county, the county board, to cause the amount of arrearages of the road tax returned by the overseer of highways, to the supervisors, as provided in section one hundred and ten of this act, to be levied on the lands returned, and to be collected in the same manner that other taxes of the county are levied and collected, and to order the same, when collected, to be paid over to the commissioners of highways of the town, except such portion of such tax as is hereinbefore directed to be paid to the authorities of incorporated villages, towns and cities, to be by them applied to the construction of roads and bridges.

§ 118. Each and every overseer of highways shall be entitled to one dollar and twenty-five cents (\$1.25) per day for every day he is necessarily employed in the execution of the duties of overseer, exceeding the amount of his highway labor and road tax, the number of days to be accounted to and audited by the commissioners of highways: *Provided*, that the number of days to be audited shall be left discretionary with the commissioners of highways.

§ 119. The highway commissioners of each town shall, annually, ascertain as near as practicable, how much money must be raised by tax on real, personal and railroad property, for the making and repairing of bridges, the payment of damages by reason of the opening, altering and laying out of new roads and ditches, the purchase of the necessary tools, implements and machinery for working roads, the purchase of the necessary material for building or repairing or draining roads and bridges, the pay of the overseer of highways during the ensuing year, and for the payment of all outstanding orders drawn by the commissioners on their treasurer, commencing on Tuesday next preceding the annual meeting of the county board in September, which tax shall be extended on the tax books, according to the assessment of the current year; and shall levy a tax on all the real, personal and railroad property in said town, not exceeding forty cents on the one hundred dollars; and they shall give to the supervisor of the township, and in Cook county to the county board, a statement of the amount necessary to be raised, and the rate per cent. of taxation, signed by said commissioners, or a majority of them, on or before the Tuesday next preceding the annual September meeting of the board of supervisors, or the county board of Cook county, who shall cause the same to be submitted to said board for their action at such September meeting of said board: *Provided*, that if the commissioners of highways, or any three legal voters, shall give notice by posting notices in at least three of the most public places of the town, at least ten days before the annual town meeting, that a larger amount of money will be required for the purpose of constructing or repairing roads or bridges in their town than can be realized from the real, personal and railroad property tax authorized by law to be assessed by the commissioners, the legal voters present at such meeting may authorize an additional amount to be raised by tax, not exceeding forty cents on each one hundred dollars' valuation, and said board shall cause the same to be extended on the tax books.

§ 120. The town clerk of each town shall, on or before the first day of September next, and annually, thereafter, (if the boundary line be changed,) furnish to the county clerk a certified plat of the several road districts of his town.

§ 121. In all counties acting under township organization, the county clerk, in extending district road tax upon the tax books, shall designate to what district said tax belongs.

§ 122. It shall be the duty of county and township collectors to make out an abstract of the amount of district road tax due to each district of the respective townships, and deliver the same to the treasurer of the commissioners of highways.

§ 123. The treasurer of the commissioners of highways shall pay over the district road tax according to the abstracts as furnished above, upon the written orders of the various overseers of roads for work done in their respective districts, when said orders are approved in writing by a majority of said commissioners.

§ 124. That an act entitled "An act in regard to roads and bridges in counties under township organization," approved May 23, 1879, in force July 1, 1879, and all other acts or parts of acts inconsistent

herewith, be and the same are hereby repealed: *Provided*, that the repeal of said act shall not affect any suit or proceedings pending, or impair any right existing at the time this act shall take effect: *And, provided, also*, that the overseers of highways in office when this act takes effect, shall continue in office until the expiration of their terms, and the road tax and road labor then due shall not be released from its obligations, and the delinquent list shall be duly returned and collected as now provided, the avails of which shall be paid to the treasurer of the commissioners.

APPROVED June 23, 1883.

SCHOOLS.

BOURBON DISTRICT.

§ 1. Repeals the act of 1869 creating the Bourbon School District.

AN ACT to repeal an act entitled "*An act to create a school district for the township of Bourbon, Douglas county, Illinois, to be known as 'The Bourbon School District,'*" in force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act to create a school district for the township of Bourbon, Douglas county, Illinois, known as the 'Bourbon School District,'*" be and the same is hereby repealed.

APPROVED May 22, 1883.

LOANING FUNDS.

§ 1. Requires that the loaning of all funds be regulated by the school laws.

§ 2. Emergency.

AN ACT to regulate the loaning of school funds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where school funds are held by any person or persons in an official capacity, by virtue of any special charter defining the manner of loaning the same, such moneys may be loaned upon the same terms and conditions as are now provided, or may hereafter be provided, by the school laws of this State.

§ 2. Whereas, a large portion of the funds of certain school districts are now lying idle in the treasuries of said districts, because

of the inability to loan said funds under certain special school laws, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED March 20, 1893.

DISTRICTS.

§ 1. Providing for forming districts containing less than 400 inhabitants.

AN ACT to provide a way by which the people of any territory lying within three or more school districts and in three or more townships, containing not less than four hundred inhabitants, may be organized into a school district.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when the people in any territory lying in three or more school districts and in three or more townships, which territory has not less than four hundred inhabitants, shall petition the trustees of the township or townships in which the districts affected lie, to organize said territory into a school district, the trustees shall grant the petition, and shall organize said territory into a school district, provided the petition shall be signed by not less than two-thirds of the legal voters living in said territory: *Provided, also,* that the petition or petitions for such new district shall be presented to the trustees, and notice of them given to the directors of the districts affected, in the manner fixed by section thirty-three of the general school law, for presenting and giving notice of petitions for changes of district boundaries; and that a division of property, and adjustment of existing debts, between the new district and the district or districts, a part of whose territory is taken, shall be made in the way provided in said section thirty-three for the division of property and adjustment of debts when a new district is formed: *Provided further,* that in the formation of a new district under this act, territory shall not be taken from any existing district so as to leave it with less than twenty families residing within that part of the district not taken, nor with taxable property of an assessed value of less than fifty thousand dollars (\$50,000), as ascertained by the last assessment for State and county taxes, previous to the presentation of the petitions for the new district. When a district is organized under this act, it shall be the duty of the trustees to order an election of a school board in the newly constituted district, in the manner provided in the general school law for calling elections in new districts; and it shall be the duty of the clerk or clerks of the trustees to file a map or maps, and records, as provided in section thirty-three of the school law in case of changes of district lines.

APPROVED June 18, 1893.

TEACHERS' INSTITUTES.

§ 1. Amend section 51 of the School law, authorizing county superintendents to charge one dollar fee for each teacher's certificate issued.—The money received to provide a fund for holding teachers' institutes.—The county superintendent is required to hold such institutes annually.

AN ACT to amend section fifty-one (51) of an act entitled "*An act to establish and maintain a system of free schools,*" approved April 1, 1872, in force July 1, 1872, and amended by an act approved June 3, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section fifty-one (51) of an act entitled "*An act to establish and maintain a system of free schools,*" approved April 1, 1872, in force July 1, 1872, and amended by an act approved June 3, 1879, in force July 1, 1879, be amended to read as follows:

"Sec. 51. It shall be the duty of the county superintendents to hold meetings at least quarterly, and oftener if necessary, for the examination of teachers, on such days and at such places in the respective counties as will, in their opinion, accommodate the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time, in at least one newspaper of general circulation, the expense of such publication to be paid out of the school fund. The county superintendent shall, in all cases, require the payment of a fee of one dollar from every applicant for examination for a teacher's certificate, and for each renewal of such a certificate, he shall require the payment of a fee of one dollar. All moneys so received, and the registration fees hereinafter provided for, he shall transmit monthly to the county treasurer, to be by him held and designated as the institute fund, and with the same, the county superintendent shall give the treasurer a list of the names of the persons paying such fees. Said fund shall be paid out by the county treasurer, only upon the order of the county superintendent, and only to defray the expenses of the teachers' institutes, which the county superintendent is by this section authorized to hold. The county superintendent shall take vouchers for all payments made out of the institute fund, and he shall render an account of such disbursements with vouchers for the same to the county board at their regular meeting in September, annually. The county superintendent shall hold, annually, a teachers' institute, continuing in session not less than five days, for the instruction of teachers and those who may desire to teach, and with the concurrence of the State Superintendent of Public Instruction, procure such assistance as may be necessary to conduct the same at such time as the schools in the county are generally closed: *Provided*, that two or more adjoining counties may hold an institute together. At every such institute instruction shall be free to such as hold certificates good in the county (or counties, where two or more join to hold an institute) in which the institute is held; but the county superintendent shall require all others attending, to pay to him a registration fee of one dollar, except those who have paid an examination fee as required by this act, and failed to receive a certificate."

APPROVED June 23, 1883.

COMPULSORY EDUCATION.

- § 1. Children between the ages of 8 and 14 years required to be sent to school not less than 12 weeks in each year unless excused.
§ 2. Exemptions under this act.

- § 3. Penalties for violation of this act.
§ 4. School directors and boards of education charged with the execution of this act—penalties for neglect.

AN ACT to secure to all children the [benefit of an elementary education.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person having the control and charge of any child or children, between the ages of eight and fourteen years, shall send such child or children to a public or private school for a period of not less than twelve weeks in each school year, unless such child or children are excused from attending school by the board of education, or school directors of the city, town or school district in which such child or children reside. Such excuse may be given by said board of education or school directors for any good cause shown why said child or children shall not be required to attend school in conformity with this act.

§ 2. It shall be a good defense to any suit brought under this act, if the person under whose control such child or children are, can show that the mental or bodily condition of such child or children is such as to prevent its attendance at school or application to study for the period required by this act, or, that such child or children has been taught in a private school, or at home for the time specified in this act, in such branches as are ordinarily taught in primary or other schools, or has acquired the branches of learning ordinarily taught in public schools, or that no public school has been taught within two miles, by the nearest traveled road, of the residence of such child or children, within the school district in which said child or children reside, for twelve weeks during the year.

§ 3. If any person having the control and charge of any child or children shall fail or neglect to comply with the provisions of this act, said person shall pay a fine of not less than five nor more than twenty dollars. Suit for the recovery of the fine and costs shall be brought by any director, or member of any board of education, of the district in which such person resided at the time of the commission of the offense, before any justice of the peace of said township. Jurisdiction is hereby conferred on all justices of the peace in this State for the enforcing of this act. Such fine shall be paid, when collected, to the school treasurer of said township, to be accounted for by him as other school money raised for school purposes.

§ 4. It is hereby made the duty of school directors and members of the boards of education to prosecute offenses occurring under this act. The neglect so to prosecute by any school director, or member of any board of education, within twenty days after written notice has been served on such director, or member of such board of education, by any tax payer residing in such district, that any person has violated this act, shall subject him or them to a fine of ten dollars, to be sued for by any tax payer residing in the

school district where the violation of this act occurred, before any justice of the peace in the township where the said school district may be located; and when such fine is collected it shall be reported by said treasurer, and accounted for as other money raised for school purposes, and become a part of the school fund of said township.

APPROVED June 23, 1883.

BOYS TRAINING SCHOOLS.

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| <p>§ 1. Incorporation authorized.
 § 2. Object—how maintained.
 § 3. Petition to inquire into dependency—description of dependents.
 § 4. Hearing by court and jury upon petition—commitment.
 § 5. Appointment of guardians.
 § 6. Warrants for commitment.
 § 7. Superintendent of schools shall receipt for boys committed.
 § 8. Fees for conveying dependent boys to school.</p> | <p>§ 9. Expenses of support paid by counties.
 § 10. Officers and managers of school shall receive boys committed and have control and custody.
 § 11. Boys may be placed in homes or apprenticed to trades.
 § 12. Discharge of inmates.
 § 13. Visitation and supervision of Board of Public Charities—State appropriations prohibited.</p> |
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AN ACT to provide for and aid training schools for boys.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any seven or more persons, residents of this State, who may organize, or have organized, under the general laws of the State relating to corporations, for the purpose of establishing, maintaining and carrying on a training school for boys, shall have, under the corporate name assumed, all the powers, rights and privileges of corporations of this State, not for pecuniary profit: *Provided, however,* that any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the Governor thereto, in writing, which consent must be filed in the office of the Secretary of State.

§ 2. The object of training schools for boys shall be to provide a home and proper training school for such boys as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as hereinafter provided.

§ 3. Any responsible person a resident of any county in this State, may petition the county court, or any court of record of said county, to inquire into the alleged dependency of any boy then within the county, and every boy who shall come within the following descriptions shall be considered a dependent boy, viz: Every boy who frequents any street, aliey or other place for the purpose of begging or receiving alms; or who shall have no permanent place of abode, proper parental care or guardianship, or sufficient means of subsistence; or who from other cause shall be a wanderer through streets and alleys, or other public places; or who shall live

with, or frequent the company of, or consort with reputed thieves or other vicious persons. The petition shall also state the name of the father and mother of the boy, if living and if known, or if either be dead, the name of the survivor, if known; and if neither the father nor mother of the boy be living, or to be found in the county, or their names to be ascertained, then the name of the guardian, if there be one. If there be a parent living, whose name can be ascertained, or a guardian, the petition shall set forth not only the dependency of the boy, but shall also show that the parents or parent or guardian are or is not fit persons or person to have the custody of such boy. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed the judge of the court shall have the boy named in the petition brought before him for the purpose of determining the application in said petition contained, and for the hearing of such petitions the county court shall be considered always open.

§ 4. Upon the filing of such petition, the clerk of the court shall issue a writ to the sheriff of the county, directing him to bring such boy before the court, to order a jury to be summoned to ascertain whether such boy is a dependent as alleged in said petition, and also to find if the other allegations are true, and if found to be such, they shall also find his age in their verdict; and when such boy shall be without counsel, it shall be the duty of the court to assign counsel for him; and if the jury shall find that the boy named in the petition is a dependent boy, and that the other material facts set forth in the petition are true, and if in the opinion of the judge he is a fit person to be sent to a training school for boys, the judge shall enter an order that such boy be committed to a training school for boys in the county, if there be such in the county; but if there be no such school in the county, then to any training school for boys elsewhere in the State, to be in such school kept and maintained, until he shall arrive at the age of 21 years, unless sooner discharged therefrom in the manner hereinafter provided. Before the hearing aforesaid, notice shall be given to the parents or parent or guardian of the boy, if to be found in the county, and also to the chairman of the county board of the county, of the proceedings about to be instituted, and they may appear and resist the same.

§ 5. If the court finds as in the preceding section, it shall further order of record that such boy has no guardian, or that his guardian or parents or parent is or are not fit person or persons to have the custody of such boy, as the case may be, and the court shall thereupon appoint a guardian of the custody and tuition of such boy, and no bond shall be required of such guardian, and such guardian shall permit such boy to be placed under the care and in the custody of such training school for boys as herein provided.

§ 6. A warrant shall thereupon be issued in duplicate by the clerk to some suitable person, a resident of the State, to be designated by the judge, authorizing him or her to take in charge and care the dependent boy named in said order, and convey him to

the training school for boys to which he is to be committed, and said warrant shall be substantially as follows:

STATE OF ILLINOIS, } ss.
County. }

The People of the State of Illinois to.....:

You are hereby authorized to take forthwith into your charge and care..... aged years, who has been declared a dependent boy, and convey him to the..... (as the case may be) training school for boys, and of this warrant you are commanded to make due return to this court after its execution.

Witness my hand and the seal of the.....court of.....county, this....day of..... A. D.
 (Seal of Court.) Clerk of.....court of.....county.

This warrant, with the receipt thereon, shall be returned to the clerk to be filed by him with the other papers relating to the case, and this warrant shall be a sufficient and competent authority for the proper officers and agents of the training school for boys to which it is directed, to receive, keep and detain the person therein named, and a duplicate copy thereof shall be delivered to the superintendent or other proper officer of such school, to be kept by him at the school, which duplicate shall have thereon a full copy of all indorsements made upon the one returned to court, and to be recorded by him in a book kept for that purpose, and said book shall always be open to the inspection of any person.

§ 7. Upon receiving the dependent boy the superintendent of the school shall indorse upon the warrant referred to in the preceding section a receipt as follows:

(As the case may be) Training School for Boys.
 Received this.....day of.....A. D. 18.., the boy named in this warrant.
 (Seal of School.), Superintendent.

§ 8. The fees for conveying a dependent boy to a training school for boys shall be the same as for conveying a juvenile offender to the reform school for juvenile offenders at Pontiac, in this State, and they shall be paid by the counties from which such dependent boys are sent, unless they are paid by the parent or guardian.

§ 9. For the clothing, tuition, maintenance and care of dependent boys, the county from which they are sent shall pay to the training school for boys to which they may be committed as follows: For each dependent boy under the age of ten years, eight dollars (\$8) per month; for each dependent boy over ten and under fourteen years of age, seven dollars (\$7) per month; for each crippled and disabled boy of any age, nine dollars (\$9) per month. And upon the proper officer rendering proper accounts therefor, quarterly, the county board shall allow and order the same paid out of the county treasury: *Provided*, that no charge shall be made against any county by any training school for boys on account of any dependent boy in the care thereof who shall have been by said school put out to a trade or employment or for adoption after he shall have been and as long as he shall remain so put out: *Provided*, that no charge shall be made against any county for the support and maintenance of such boy or boys, unless the county from which said boy or boys shall come, shall first have contracted with said "training school for boys" for the support and maintenance of said boy or boys.

§ 10. The officers and managers of any training school for boys in this State shall receive into such school all boys not idiotic and not afflicted with a contagious disease committed thereto under the provisions of this act, shall have the exclusive custody, care and guardianship of such boys, shall provide for their support and comfort, instruct them in such branches of useful knowledge as may be suited to their years and capacities, and shall cause them to be taught or trained, in some trade or industrial pursuit; and for the purpose of their education and training, and that they may assist in their own support, they shall be required to perform such tasks suitable to their years and sex as may be prescribed by such officers and managers, and as may be reasonable and proper.

§ 11. Any boy committed under the provisions of this act to a training school for boys, may, by the officers and managers of said school, be placed in the home of any good citizen, upon such terms and for such purpose and time as may be agreed upon, or he may be given to any suitable person of good character who will adopt him, or he may be bound to any reputable citizen as an apprentice to learn any trade, or as servant to follow any employment which, in the judgment of said officers and managers, will be for his advantage; and all and singular of the provisions of the act entitled "An act to revise the law in relation to apprentices," approved February 25, 1874, in force July 1, 1874, in so far as they are applicable, shall apply to and be binding upon such officers and managers, and upon such boy and upon the person to whom such boy may be bound: *Provided*, that any disposition made of any boy under this act shall not bind him beyond his majority: *And, provided, further*, that such officers and managers shall have a supervising care over such boy after he shall be so put out, to see that he is properly treated and cared for; and, in case such boy is cruelly treated, or is neglected, or the terms upon which he shall have been put out to any person be not observed, then it shall be the duty of such officers and managers to take and receive such boy again into the custody, care and protection of said training school. And said officers and managers shall have power to reclaim any boy put out to any person under the terms of this act without the consent of the person to whom the boy may be so put out, whenever, in the judgment of the said officers and managers, the boy shall be cruelly treated, neglected in training, proper instruction or otherwise, or not properly cared for.

§ 12. Any boy committed to a training school for boys, under the provisions of this act, may be discharged therefrom at any time in accordance with the rules thereof when, in the judgment of the officers and managers, the good of the boy or the good of the school would be promoted by such discharge, and the Governor may at any time order the discharge of any boy committed to a training school under the provisions of this act.

§ 13. All training schools for boys in this State, organized under this act, shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities as the charitable institutions of the State. But no such training school shall receive an appropriation from the State for any purpose, and

any school receiving an appropriation from the State shall not have the benefit of the provisions of this act.

APPROVED June 18, 1883.

STATE WEIGH-MASTERS.

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| <p>§ 1. Provides for the appointment of State weigh-masters and assistants by the Railroad and Warehouse Commissioners.</p> <p>§ 2. Duties of weigh-master and assistants.</p> <p>§ 3. Fees for weighing.</p> <p>§ 4. Weigh-masters shall not be members of boards of trade — Shall give bond — Compensation.</p> | <p>§ 5. Rules and regulations for weighing grain, etc.</p> <p>§ 6. Penalties for warehousemen or railroad corporation for refusing access to scales.</p> |
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AN ACT to provide for the appointment of State Weigh-masters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be appointed by the Railroad and Warehouse Commissioners in all cities where there is State inspection of grain, a State weigh-master and such assistants as shall be necessary.

§ 2. Said State weigh-master and assistants shall, at the places aforesaid, supervise and have exclusive control of the weighing of grain and other property which may be subject to inspection, and the inspection of scales and the action and certificate of such weigh-master and assistants in the discharge of their aforesaid duties shall be conclusive upon all parties in interest.

§ 3. The Board of Railroad and Warehouse Commissioners shall fix the fees to be paid for the weighing of grain or other property, which fees shall be paid equally by all parties interested in the purchase and sale of the property weighed, or scales inspected and tested.

§ 4. Said State weigh-master and assistants shall not be a member of any board of trade or association of like character; they shall give bonds in the sum of five thousand dollars (\$5,000), conditioned for the faithful discharge of their duties, and shall receive such compensation as the Board of Railroad and Warehouse Commissioners shall determine.

§ 5. The Railroad and Warehouse Commissioners shall adopt such rules and regulations for the weighing of grain and other property as they shall deem proper.

§ 6. In case any person, warehouseman or railroad corporation, or any of their agents or employees, shall refuse or prevent the aforesaid State weigh-master or either of his assistants from having access to their scales, in the regular performance of their duties in

supervising the weighing of any grain or other property in accordance with the tenor and meaning of this act, they shall forfeit the sum of one hundred dollars (\$100) for each offense, to be recovered in an action of debt before any justice of the peace, in the name of the People of the State of Illinois; such penalty or forfeiture to be paid to the county in which the suit is brought, and shall also be required to pay all costs of prosecution.

APPROVED June 23, 1883.

TELEGRAPHS AND TELEPHONE.

PRIVATE LINES.

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| <p>§ 1. Private line of telegraph and telephone may be constructed.</p> <p>§ 2. Highways, streets or alleys outside of incorporated towns may be occupied for the purpose of constructing private lines.</p> | <p>§ 3. Penalties for damage or destruction.</p> |
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AN ACT to permit the use of public highways, streets and alleys and private roads leading to such highways, streets and alleys outside of incorporated cities, villages and towns, for the purpose of constructing, operating and maintaining private lines of telegraph or telephone, and to prescribe penalties for the injury or obstruction of such lines.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for any person or persons living on the line of any public highway, street or alley outside of any incorporated city, village or town in this State, or on any private road leading to such highway, street or alley, to construct, operate and maintain a line or lines of telegraph or telephone, extending from house to house, as the parties interested in the construction of such lines may desire.

§ 2. For the purpose of constructing and maintaining such lines of telegraph or telephone, the parties in interest may set the necessary poles or posts on which to place the wires and insulators of such lines, in any of the public streets, highways or alleys, or in any private road leading to such highways, streets or alleys outside of the incorporated cities, villages or towns in this State along which such lines may pass: *Provided*, such poles or posts shall be placed along the boundaries of such highways, streets, or alleys, at such distances therefrom as the authorities having control thereof may direct: *And provided, further*, that the wires necessary for such lines shall not be less than fifteen feet above the ground along such boundaries, and not less than twenty feet at any public or private crossing, and shall be so placed as not in any manner to interfere with such crossing.

§ 3. Any person who shall unlawfully and intentionally injure, molest or destroy any of said lines or the material or property belonging thereto, or shall in any manner interfere with the proper working of such lines, shall on conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars; said fine to be recoverable in any court having jurisdiction of the same: *Provided*, that prosecution under the foregoing provision of this section shall not in any manner prevent a recovery by the person or persons entitled thereto, of the amount of damages done to such lines.

APPROVED June 18, 1883.

TOWNSHIP.

ORGANIZATION OF NEW TOWNS.

§ 1. Amends section 5 of the act of 1877, by permitting the consolidation of the offices of treasurer and town clerk.

AN ACT to amend section five (5) of an act entitled "*An act to authorize county boards in counties under township organization, to organize certain territory situated therein as a town,*" approved May 23, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section five (5) of an act entitled "*An act to authorize county boards in counties under township organization to organize certain territory situated therein as a town,*" approved May 23, 1877, in force July 1, 1877, be amended so that the same shall read as follows:

"Section 5. The city council in such city and town, may by ordinance, provide that the officers of city and town clerk shall be united in the same person; that the officers of treasurer and town collector shall be united in the same person; that the election of highway commissioners shall be discontinued, and that the offices of supervisor and poormaster shall be separated, and the poormaster appointed by the city council."

APPROVED June 18, 1883.

UNCLAIMED PROPERTY.

SALE OF.

§ 1. Amends section 1, act of 1874, by authorizing innkeepers and warehousemen to sell unclaimed property the same as common carriers.

AN ACT to amend section one of an act entitled "An act to provide for the sale of unclaimed property by common carriers, warehousemen and innkeepers," approved March 28, 1874, as heretofore amended by an act entitled "An act to amend section three (3) of an act entitled "An act to provide for the sale of unclaimed property by common carriers, warehousemen and innkeepers," approved March 28, 1874, and to amend the title thereof, approved May 13, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an act entitled "An act to provide for the sale of unclaimed property by common carriers, warehousemen and innkeepers," approved March 28, 1874, as heretofore amended by an act entitled "An act to amend section three (3) of an act entitled 'An act to provide for the sale of unclaimed property by common carriers, warehousemen and innkeepers,' approved March 28, 1874, and to amend the title thereof, approved May 13, 1879," be and the same is hereby amended, so as to read as follows:

"Sec. 1. That whenever any trunk, carpet-bag, valise, bundle, package, or article of property, transported, or coming into the possession of any railroad or express company, or any other common carrier, or innkeeper or warehouseman, or private warehouse-keeper, in the course of its or his business as common carrier, innkeeper, warehouseman, or private warehouse-keeper, shall remain unclaimed, and the legal charges thereon unpaid during the space of six months after its arrival at the point to which it shall have been directed, and the owner or person to whom the same is consigned cannot be found upon diligent inquiry, or, being found and notified of the arrival of such article, shall refuse or neglect to receive the same and pay the legal charges thereon for the space of three months, it shall be lawful for such common carrier, innkeeper, warehouseman or private warehouse-keeper to sell such article at public auction, after giving the owner or consignee fifteen days' notice of the time and place of sale, through the postoffice, and by advertising in a newspaper published in the county where such sale is made, and out of the proceeds of such sale to pay all legal charges on such articles, and the overplus, if any, shall be paid to the owner or the consignee upon demand."

APPROVED June 18, 1883.

VINEGAR.

ADULTERATION.

§ 1. Prescribes penalties for the manufacture and sale of impure cider vinegar.

§ 2. Provides penalties for manufacture and sale of vinegar containing acids injurious to health.

AN ACT to prevent the adulteration of vinegar, and to prevent fraud and imposition in the manufacture and sale of vinegar, and to protect the purchasers thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person who shall manufacture for sale, or shall offer or expose for sale, as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively of said apple cider, shall, for each such offense, be punished by a fine of not less than twenty-five [dollars] (\$25) nor more than fifty dollars (\$50).

§ 2. Every person who shall manufacture for sale, or who shall offer or expose for sale, any vinegar found upon test to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health, shall, for each such offense, be punished by a fine of not less than one hundred dollars (\$100).

APPROVED June 14, 1883.

WASHINGTONIAN HOME.

§ 1. Amends section 7, act of 1867 incorporating, by limiting the amount paid by the city of Chicago under this act to \$20,000.

AN ACT to amend an act entitled "An act to incorporate the 'Washingtonian Home of Chicago,'" approved February 16, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seven (7) of an act entitled "An act to incorporate the 'Washingtonian Home of Chicago,'" approved February 16, 1867, be and the same is hereby amended to read as follows:

"Section 7. It shall be the duty of the treasurer of the county of Cook and the treasurer of the city of Chicago, or of the officers of either, into whose hands the same may come, or be paid, to pay over to said corporation, in quarterly installments, for the support and maintenance of said institution, ten per cent. of all moneys received for all licenses granted by authority of said county or city, for the right or privilege to vend or sell spirituous liquors, vinous or fermented liquors, within the said county of Cook and city of

Chicago: *Provided*, that in no case shall the sum so paid out of the treasury of the city of Chicago for or during any year exceed the sum of twenty thousand dollars (\$20,000), and the treasurer of the city of Chicago shall not, during or for any year, pay out of the moneys so received by him for licenses as aforesaid, to said corporation, a sum exceeding twenty thousand dollars (\$20,000).

— This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it, or to file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

— WITNESS my hand this 29th day of June, A.D. 1883.

HENRY D. DEMENT,

Secretary of State.

JOINT RESOLUTIONS.

SENATE.

JOINT RULES.

Resolved by the Senate, the House of Representatives concurring herein, That a committee be constituted, consisting of three Senators to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which committee shall prepare and report to the two houses, joint rules for this General Assembly.

SYNOPSIS OF BILLS.

Resolved by the Senate, the House of Representatives concurring, That there be printed once each week, for the use of the General Assembly, 250 copies of the Senate synopsis of bills and House bills in Senate, and 350 copies of House synopsis of bills and Senate bills in House; that the said synopsis show the number of the bill, by whom introduced, abstract of title and condition of the bill.

T. W. ECKERT, COMMITTEE CLERK.

Resolved by the Senate, the House of Representatives concurring therein, That T. W. Eckert, who has acted as clerk of the joint committee appointed to investigate complaints against the St. Louis Bridge Company, is entitled to two hundred dollars for said services, and for expenses incurred while making investigations under the direc-

tion of the committee, said services to be certified to by the chairman of the joint committee and approved by the President of the Senate and the Speaker of the House of Representatives.

PENSIONS FOR SOLDIERS WHO LOST A LEG OR ARM.

WHEREAS, a bill is now pending before the Senate of the United States, having for its object an increase of the pensions of all loyal soldiers, who lost a leg or an arm in the military service of the United States, to the sum of \$40 per month; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That our Senators and Representatives in Congress be requested to use their influence to secure the passage of said bill; and that the Secretary of the State of Illinois be requested to have printed and mailed to each member in Congress, and each Senator from Illinois, a copy of this resolution.

SHAWNEETOWN FLOOD SUFFERERS.

WHEREAS, the people of Shawneetown are suffering from destitution caused by the floods of the Ohio and Wabash rivers to an extent hitherto unparalleled in the history of that city; and

WHEREAS, there is great suffering throughout the flooded districts of the State on the Ohio river; therefore,

Resolved by the Senate, the House of Representatives concurring herein, That a committee of three from the Senate and five from the House of Representatives be appointed by the presiding officers of the two houses to report the condition of the inhabitants thereof to this General Assembly without unnecessary delay, and said committee may, in their discretion, visit the inundated districts if they deem it necessary.

PRINTING AND BINDING EXTRA COPIES OF BILLS AND DOCUMENTS.

Resolved by the Senate, the House of Representatives concurring therein, That the Secretary of State is hereby authorized to have printed, in

addition to the number printed for the use of either House, 300 copies of each bill, resolution, report or other document printed by order of either house, and that he shall have the same numerically arranged and bound at the end of each session, and deliver one copy to each member of the General Assembly, one copy to the Secretary of the Senate, and one to each of his assistants, one copy to the Clerk of the House, and one to each of his assistants, three copies to the State Library, and keep the remainder for judicious distribution.

NATIONAL YELLOWSTONE PARK.

WHEREAS, the people of the State of Illinois, having a common interest in our National Park, and the maintaining of the same free to all the people of the earth, visiting this region of matchless wonders and grandeurs, and learning that a company of capitalists are trying to secure a lease of said park with exclusive rights therein; and

WHEREAS, the attention of Congress being called to said transaction by the report of Lieutenant-General Sheridan, made to the War Department, November 1st, 1882, and Senator Vest having reported a bill from committee to the Senate of the United States, making rules and regulations for the better government of said park; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That this General Assembly, acting on behalf of the people of this State, respectfully request that our Senators and Representatives in Congress use all honorable means to secure the passage of a law that will give to the people visiting said park the right of viewing the wonders therein contained, free from the extortion of monopolists, or hindrance from any source whatever, so far as may be consistent with the necessary protection of the scenery and objects of curiosity, and the protection of the game and fish therein contained.

Resolved, That we hereby tender to Lieutenant-General Sheridan and Senator Vest, the thanks of the people of this State for their timely and earnest efforts in the preventing of said park from passing into the exclusive possession of said company, to be used by them as a cattle ranch, and for the extorting of money from tourists visiting said park.

Resolved, That the Secretary of State be and he is hereby requested to forward copies of these resolutions to our Senators and Representatives in Congress, and a copy of each to Lieutenant-General Sheridan and Senator Vest.

CLAIM OF ALEXANDER BRUCE.

WHEREAS, it is alleged by Alexander Bruce that, according to contract with the United States Government and the State of Illinois, he has completed the foundation to the lock at Copperas Creek dam, on the Illinois river, and has failed to receive payment in full thereof from the State of Illinois; therefore,

Resolved by the Senate, the House of Representatives concurring herein, That the Canal Commissioners are hereby instructed to fully investigate the claim of the said Bruce in connection with the construction of said dam, and in said investigation shall employ, if practicable, D. C. Jenne to make such estimates as may be necessary; and the then Canal Commissioners shall be heard in such investigation. When the investigation shall be completed, the said commissioners shall make full report of the same with their conclusion to the Governor.

CHICAGO "LAKE FRONT"—EMPLOYMENT OF COUNSEL.

WHEREAS, a suit is now pending in the Circuit Court of Cook county, entitled "The People of the State of Illinois v. The Illinois Central Railroad, the United States of America, The City of Chicago," which suit involves and is to determine the ownership of the property in Chicago commonly known as "Lake Front;" and

WHEREAS, a part of this property is the frontage of one mile in extent of what was originally canal land, and eminent counsel have advised that the Illinois and Michigan Canal has now a legal and equitable interest to a large amount in the matters involved in said suit; therefore,

Resolved by the Senate, the House concurring herein, That the Canal Commissioners are hereby instructed to employ competent counsel to appear in said suit in behalf of the interests of the Illinois and Michigan Canal, and to protect the same so far as they may be involved in this suit.

MISSISSIPPI RIVER BRIDGE AT EAST ST. LOUIS.

WHEREAS, a charter was granted by the General Assembly of the State of Illinois for the construction of a bridge across the Mississippi river at East St. Louis, and that, under said charter, a bridge was constructed and is now used and operated by said bridge com-

pany for the transportation of passengers and freight cars of the various railroad companies across said bridge for hire; and,

WHEREAS, complaints have been made by shippers of stock, grain and merchandise, and by corporations operating railroads, whose cars are transported over said bridge by the said bridge company, that extortionate charges and unjust discriminations are made by said company for said services: therefore,

Resolved by the Senate of the State of Illinois, the House of Representatives concurring herein, That a committee, consisting of five Senators, to be appointed by the President of the Senate, and seven Representatives, to be appointed by the Speaker of the House of Representatives, to inquire into said complaints, and report to this body all such facts as may be ascertained by them relating to said complaints; and in order to fully carry out the spirit and intent of this resolution, that said committee may employ a clerk, and take testimony at such times and places as they may deem best, to accomplish said object; and that said committee have power to send for and compel the attendance of witnesses, with all necessary records and papers.

CONVEYANCE OF LAND TO JULIA A. BAKEWELL.

WHEREAS, in the year 1858, E. W. Bakewell and wife, of Normal, Illinois, did, upon certain conditions to be fulfilled by the Board of Education of the State of Illinois, make and execute a deed to said Board of Education for the forty acres of land off of the south side of so much of the north half of the northwest quarter of section twenty-eight, town twenty-four north, range two east of the third principal meridian, as lies west of the State road, which is an extension of Main street in Bloomington north, said forty acres to include said State road; and,

WHEREAS, said conveyance was a conditional donation, dependent for its validity upon the performance of certain conditions, which conditions have never been fulfilled or complied with; and,

WHEREAS, the said Board of Education has since been changed from a private corporation to a board of State officers and possession and title to said land have been vested in the present State Board of Education, acting in behalf of the State, by reason of which change no proceedings in law or equity can be brought against them; and,

WHEREAS, the statute of limitations bars the claim of said Bakewell before the Commission of Claims, leaving his only remedy or chance for justice in the hands of the General Assembly: therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That the State Board of Education, or its president, be and is hereby directed to execute a conveyance in fee simple of the above described forty acres of land to Julia A. Bakewell.

SHEER BOOMS AT BRIDGES IN MISSISSIPPI RIVER. -

WHEREAS, the piers of many of the railway bridges crossing the Mississippi river are a very serious hindrance to navigation; that steamers frequently collide with them, and sometimes great loss of life is thereby occasioned, and that there is annually a great loss of property, and that they are constantly a great source of danger and dread to those who have business, or who travel upon the river; and,

WHEREAS, in accordance with the act of Congress approved March 3, 1875, a board of United States engineers was convened in St. Louis, and after an exhaustive examination of the subject they submitted a report to the Honorable the Secretary of War, February 19, 1877, in which they recognized the great necessity for sheer booms and recommended plans for the same at the various bridges; and,

WHEREAS, in 1882, Major A. McKinzie, United States engineer in charge of the river improvements between St. Anthony's Falls and the mouth of the Illinois river, constantly witnessing the great danger to life and property at the bridge piers, and the consequent necessity for protection thereat, submitted a report to the Chief of Engineers, United States army, in which much important information was given upon the subject, and the sheer booms urgently recommended; therefore, your memorialists would respectfully but urgently suggest that the interests of commerce, the security of property and the safety of life imperatively demand that, at the earliest possible moment, sheer booms be placed at the various bridges, in substantial accordance with the plans and recommendations above alluded to: therefore, be it

Resolved by the Senate of the State of Illinois, the House of Representatives concurring therein, That our Senators in Congress be instructed and our Representatives requested to use their best efforts to secure the placing of sheer booms at the various bridges crossing the Mississippi river.

Resolved, That a copy of these resolutions, duly signed by the President of the Senate, the Speaker of the House, and attested by the Secretary of this body, be forwarded to each of the Illinois Senators and Representatives in Congress.

CARBONDALE BONDS.

WHEREAS, the Twenty-seventh General Assembly of this State did pass a resolution in the words and figures, to-wit:

"Resolved by the Senate, the House concurring herein, That the Governor be, and he is hereby, instructed to sell to the city of Carbondale all the bonds of said city now in his possession, issued

by the said city for the use and benefit of the Illinois Normal University at Carbondale, in accordance with the provisions of 'An act to appoint commissioners to construct the Southern Illinois Insane Asylum and the Southern Illinois Normal University, and to make appropriations therefor,' approved April 13, 1871, for no less than thirty thousand dollars, in full of said bonds and the interest that may have accrued thereon; which amount, when so paid, shall be transferred to the commissioners of the said Southern Illinois Normal University, located at Carbondale, to be used by them in the construction and completion of the same: *Provided*, that said sum of thirty thousand dollars be paid on or before the 1st day of July, 1872;" and

WHEREAS, in pursuance of said resolution, the said city of Carbondale did issue bonds amounting in the aggregate to forty thousand dollars, which said bonds were sold in the city of New York for twenty-eight thousand dollars, and the proceeds thereof applied by said city in the purchase of ninety-two thousand dollars of its bonds as contemplated by said resolution herein recited, thus leaving in the hands of the State eight thousand dollars of the one hundred thousand dollars series of said bonds, which said eight thousand dollars of bonds are now held by the State to secure the payment of the two thousand dollars still due the State under and by virtue of said resolution; and

WHEREAS, the city of Carbondale, with a population of less than twenty-five hundred people, has now an outstanding municipal debt of seventy thousand dollars, of the character of seven per cent. interest-bearing bonds, which said bonds were issued in aid of the Southern Illinois Normal University, and the proceeds arising therefrom applied by the State in the construction of said University; therefore, be it

Resolved by the Senate, the House concurring herein, That the Governor be, and he is hereby directed to surrender to the city of Carbondale, for cancellation, the eight thousand dollars in bonds now in the possession of the State, and issued by said city in aid of the Southern Illinois Normal University."

WATER POWER AT JOLIET.

WHEREAS, from the relative location of the Illinois and Michigan canal and the Des Plaines river, in the city of Joliet, Will county, the State of Illinois became, and is the proprietor and possessor of the west bank of said river, opposite lots one (1), two (2) and three (3), block fifty-seven (57), School Section addition to Joliet, situated on the east bank thereof; and

WHEREAS, the owners of said lots, being riparian owners on the east bank only, as determined by the Supreme Court in the case of "Canal Trustees v. Havens," 11th Ill., p. 554, have converted their said property into a mill site, and constructed and maintained, and do now maintain a mill dam across the entire bed of said river, extending west from or near the northwest corner of said lot one (1), above mentioned, thereby creating a water power of great value; and

WHEREAS, the State of Illinois, in respect to its rights as riparian owner upon the west bank of said river, is legally entitled to use and appropriate one-half the water power thus created, and is enabled at the present time to utilize the same as an important and permanent source of revenue, by means of structures of simple form, small extent and inconsiderable expense, and, with proper joint arrangements with the owner or owners of the other half, usual in such cases; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, (1.) That the Canal Commissioners be and they are hereby directed and empowered to assume possession and control of said water power, so belonging to the State of Illinois, and forthwith to take such measures as they shall deem proper and expedient to secure for the use of the practical enjoyment and benefit thereof; and to this end to cause to be erected all needful structures upon said west bank for developing and transferring said power; and thereupon to lease the same as they are now authorized by law to lease the water-power of the Illinois and Michigan Canal.

(2.) That the cost of such structures and all the expenses of said work, or incident thereto, shall be defrayed from the canal revenues, and shall in no event become a charge against the State.

(3.) That said commissioners shall be and hereby are empowered in their discretion to make with the riparian proprietor or proprietors on the east or opposite bank, just and proper arrangements for the joint regulation of said water-power, and for the equitable division thereof, and for the future maintenance and repair or reconstruction of said dam: *Provided, however,* that in prosecuting the objects contemplated by this joint resolution, and in entering into needful stipulations with the riparian owner or owners on the east bank of the Des Plaines river, the said Canal Commissioners shall in nowise surrender, compromise or impair any legal rights of the State in and to the use of the water upon the Channahon level of the canal, for hydraulic purposes, below said dam, commonly called "Adam's dam," if any such legal right shall hereafter be established by judicial proceedings thereto had.

VETO POWER OF THE GOVERNOR—TO AMEND SECTION SIXTEEN, ARTICLE FIVE OF THE CONSTITUTION.

Resolved by the Senate, the House of Representatives concurring herein, That there shall be submitted to the electors of this State at the next election for members of the General Assembly, a proposition to amend section sixteen (16) of article five (5) of the Constitution of this State, so that the same may read as follows:

Sec. 16. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor.

If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor; but in all such cases the vote of each house shall be determined by yeas and nays, to be entered upon the journal.

Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections, and if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it.

The Governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the Governor.

The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two houses of the General Assembly, it shall become part of said law, notwithstanding the objections of the Governor.

Any bill which shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it; unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed with his objections in the office of the Secretary of State, within ten days after such adjournment, or become a law.

HOUSE.

CANVASS ELECTION RETURNS.

Resolved by the House of Representatives, the Senate concurring herein, That the two houses meet in joint assembly in the Hall of Representatives, on Friday, the 5th day of January, A. D. 1883, at the hour of 12 o'clock M., for the purpose of canvassing the returns of election held on the 7th day of November, A. D. 1882, for State officers, as by law required.

THANKS TENDERED THE BOARD OF TRADE OF INDIANAPOLIS FOR RELIEF
TO SHAWNEETOWN FLOOD SUFFERERS.

Resolved by the House of Representatives, the Senate concurring, That the thanks of the General Assembly of this State are due and are hereby tendered the Board of Trade of Indianapolis, for the liberal charity bestowed upon the unfortunate people of Shawneetown, Illinois, and vicinity, who have suffered so much on account of the recent floods.

Resolved, That the Secretary of State be and is hereby requested to transmit a copy of this resolution to the president of said board.

PRINTING DAILY JOURNAL.

WHEREAS, this House has ordered its journals printed; and,

WHEREAS, the law provides that the printing of either house, other than bills or reports of committees, must be by joint resolution; therefore,

Resolved by the House of Representatives, the Senate concurring herein, That two hundred copies of the journal of each day be printed and laid upon the desks of the members before the hour of meeting of the next day; and after the same shall have been corrected and approved, that five hundred copies of the same be printed for the use of the House.

COMMITTEE EXPENSES.

Resolved by the House of Representatives, the Senate concurring herein, That all claims of members of the various standing and special committees of the House and Senate for reimbursement for expenses incurred while in discharge of such committee service, and all claims for services and expenses of extra clerks, experts, witnesses, etc., incurred under direction of said committees, shall be submitted to the "Committee on Contingent Expenses" of the House and the "Committee on Expenses of the General Assembly" of the Senate, to be approved by the said committees; and such allowances shall be paid only upon recommendation of said committees, and the recommendation of the Senate or the House, as the case may be; all bills to be certified to by the Speaker of the House and the President of the Senate respectively.

ADJOURNMENT ON ACCOUNT OF APRIL ELECTIONS.

WHEREAS, there are to be held throughout the State of Illinois on April 3, 1883, the annual town meetings, and many cities hold corporate elections on the same day; and,

WHEREAS, many members of this General Assembly desire to participate in said elections; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That when the two houses adjourn on Friday, the 30th day of March, 1883, they stand adjourned until Wednesday, the 4th day of April, 1883, at 5 o'clock P. M.

PURCHASE OF LINCOLN'S HOME.

WHEREAS, Mr. O. H. Oldroyd, a citizen and resident of Springfield, and the author of the "Lincoln Memorial Album," and the collector during the last twenty years of nearly two thousand books, medals, pictures, badges, sermons, eulogies and mementoes of Abraham Lincoln, is desirous of putting [them] into some permanent place for preservation, where the people can see and know what the nations have done for the honor of Illinois' great statesman, and being desirous, upon suitable conditions, to contribute the same to the State of Illinois; be it therefore

Resolved by the House of Representatives, the Senate concurring herein, That His Excellency, John M. Hamilton, be requested to correspond with Hon. Robert T. Lincoln, and ascertain for what price the State of Illinois can purchase the old homestead of Abraham Lincoln for that purpose, and report the same to this House.

JOINT COMMITTEE ON REVENUE.

WHEREAS, there is great complaint throughout this State of the injustice and inequality of our revenue law, and especially as to the inequality of assessments of both real and personal property; and,

WHEREAS, there is almost universal demand throughout the State for State reform; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That a joint committee of the House and Senate be appointed, to consist of the revenue committee of the House and the revenue committee of the Senate, which joint committee shall take into consideration the subject of revenue reform for the State; and that they report to this General Assembly by bill or otherwise.

PLEURO-PNEUMONIA AMONG CATTLE.

WHEREAS, large and increasing annual losses are sustained by the cattle feeders of this State on account of the expensive restrictions placed upon exported cattle by Great Britain, owing to the existence in some of the Eastern States of pleuro-pneumonia, or lung plague; and,

WHEREAS, the cattle interests of this and other Western States are seriously threatened by the introduction of this contagious disease; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means to secure the passage of a suitable law, that will speedily stamp out and permanently exclude from the United States the contagious disease known as pleuro-pneumonia, or lung plague of cattle.

ELECTION OF UNITED STATES SENATOR.

Resolved by the House of Representatives, the Senate concurring herein, That on Tuesday, the 16th day of January, instant, at 11 o'clock A. M., each house shall by itself, and in the manner prescribed by sections 14 and 15 of Revised Statutes of the United States of 1873 and 1874, name a person for Senator in Congress from the State of Illinois for the term of six years from the 4th day of March, A. D. 1883; and on Wednesday, the 17th day of January, at 12 o'clock meridian, the members of the two houses shall convene in joint

assembly in the hall of the House of Representatives, and in the manner prescribed by said law, declare the person who has received the majority of votes in each house, if any person has received such majority, duly elected Senator to represent the State of Illinois in the Congress of the United States for the term aforesaid; and if no one person has received such majority, then proceed as prescribed in said law, in joint assembly, to choose a person for the purpose aforesaid.

DEATH OF LEON GAMBETTA.

WHEREAS, the sad intelligence comes from our sister Republic, France, that her distinguished son and author, orator and statesman,

LEON GAMBETTA,

has departed this life; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That this General Assembly deeply sympathises with the people of France in this, their great loss.

Resolved, As a further token of its respect for the memory of so great a citizen, this joint resolution be ordered spread on the journals of each House, and a copy thereof forwarded to the President of the Republic of France.

SALE OF STATE ARMS AND ACCOUTREMENTS.

Resolved by the House of Representatives, the Senate concurring herein, That the Adjutant-General be and is hereby authorized to dispose of by sale, in such manner as may be deemed best for the interest of the State, after advertising the sale in three newspapers in this State, all unserviceable cannon, small arms, accoutrements and other property now stored in the State Arsenal and belonging to the State of Illinois. He is also hereby required to make a report, in detail, of the sale or sales of such property to the Auditor of Public Accounts, which report shall be filed in said office, and all moneys accruing from the sale of such State property shall be covered into the State treasury and credited to the military fund.

HENNEPIN CANAL BILL.

WHEREAS, a bill is now pending in Congress providing for constructing a canal from the Illinois river, at or near Hennepin, to the Mississippi river at, or above, Rock Island; and,

WHEREAS, the people of the State of Illinois have voted to cede the Illinois and Michigan canal to the United States therefore,

Resolved by the House of Representatives, the Senate concurring, That our Senators in Congress be, and are hereby instructed, and our Representatives requested, to vote for and use their influence to procure the passage of said bill, known as the "Hennepin Canal Bill," and to secure the acceptance by the United States of the said Illinois and Michigan canal.

Resolved, That the Governor be, and is hereby requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

DOCUMENTS FURNISHED CHICAGO HISTORICAL SOCIETY.

Resolved by the House of Representatives, the Senate concurring herein, That the Secretary of State is hereby instructed to hereafter send to the Chicago Historical Society two copies each of all publications made by the State; and that, as soon as said historical society has sufficient fire-proof vaults, to which the president and secretary of said society shall certify, the Secretary of State shall furnish said society with one copy of every public document, "State or National:" *Provided,* the State has duplicate copies of the same and the historical society does not have a copy; and, furthermore, when the State has four or more copies of the same documents, the Secretary of State shall furnish the society with duplicate copies of the same if wanted, and the books there deposited in the library of the society shall be for the use of any citizen of the State; and furthermore, that the Secretary of State shall take a receipt in behalf of the State for all books thus deposited with the said historical society, and to said receipt shall be appended a condition, signed by the president and secretary of said society, that in case the State Library is ever burned, the said historical society shall return to the State Library one copy of each duplicate copy received from the State, under the provisions of this joint resolution.

ADJOURNMENT SINE DIE.

Resolved by the House of Representatives, [the Senate concurring herein,]
That when the two houses of the Thirty-third General Assembly adjourn on Monday, the 18th day of June, they stand adjourned without day.

EXECUTIVE DEPARTMENT,
OFFICE OF SECRETARY OF STATE.

UNITED STATES OF AMERICA, { ss.
STATE OF ILLINOIS. }

I. HENRY D. DEMENT, Secretary of State of the State of Illinois, do hereby certify that the foregoing published Acts and Resolutions of the Thirty-third General Assembly of the State of Illinois, are true and correct copies of said Acts and Resolutions, filed in the office of the Secretary of State, with the exception of words or letters printed in brackets, thus [].

IN WITNESS WHEREOF I have hereto set my hand and affixed the great seal of State
at the city of Springfield, this sixteenth day of July A. D. 1883.

HENRY D. DEMENT,
Secretary of State.

[L. S.]

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